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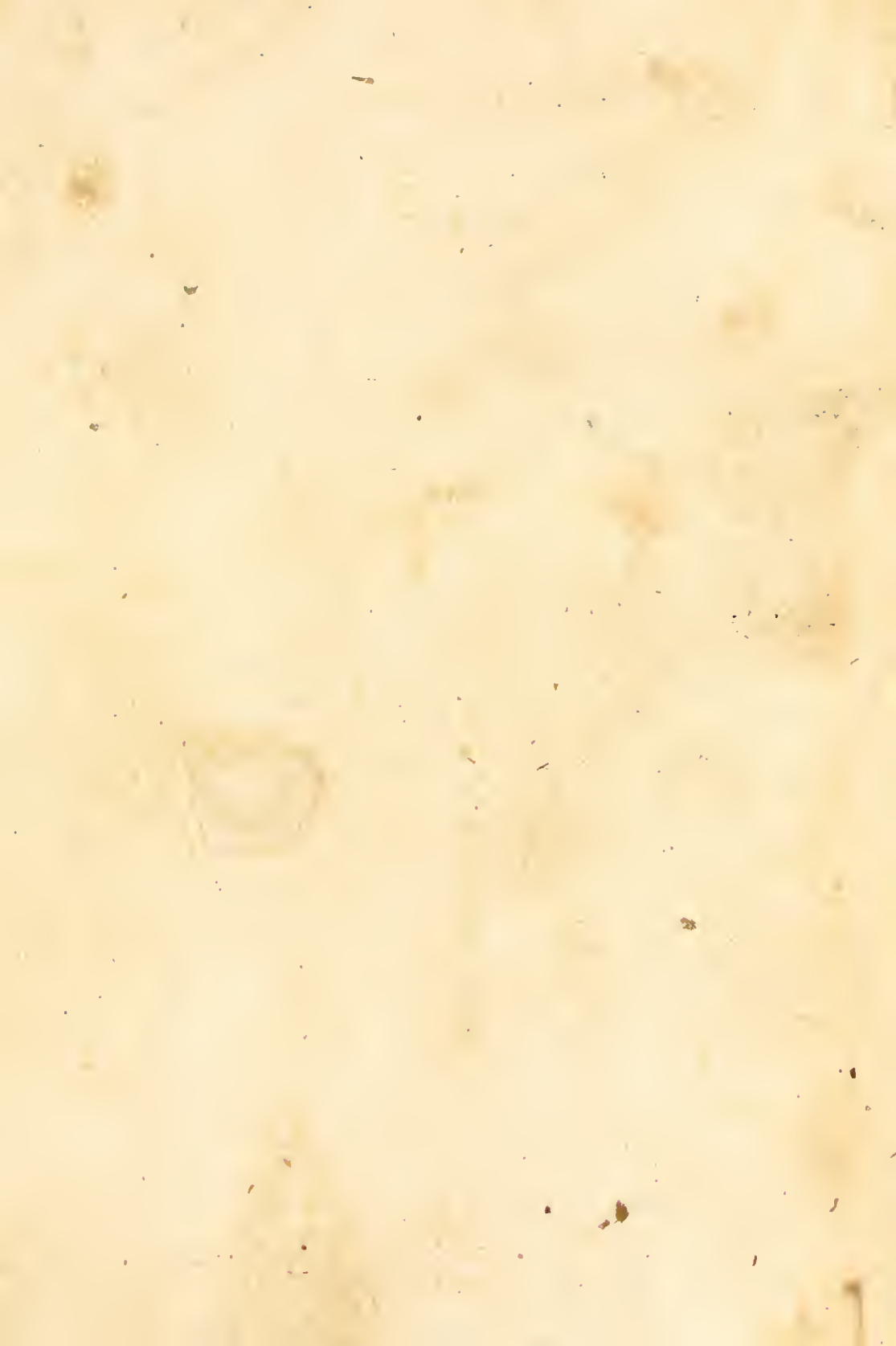
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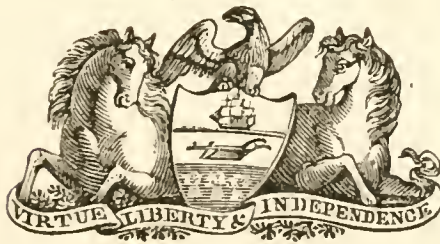
STATE OF PENNSYLVANIA,

PASSED AT THE SESSION OF 1858,

IN THE

EIGHTY-SECOND YEAR OF INDEPENDENCE.

WITH AN APPENDIX.



HARRISBURG:

A. BOYD HAMILTON, STATE PRINTER.

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L A W S

OF THE

COMMONWEALTH OF PENNSYLVANIA.

No. 1.

AN ACT

To change the place of holding elections in the village of Canton, Bradford county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the general, township and special elections for the township of Canton, shall be held at the public house of S. C. Meyers, known as the Canton hotel, in the village of Canton, and that the township election for the present year shall be held on the fourth Tuesday of January, and hereafter, as before, on the third Friday of same month.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fourteenth day of January, Anno Domini one thousand eight hundred and fifty-eight.

JAS. POLLOCK.

No. 2.

AN ACT

Relating to certain elections in the township of Benzinger, in the county of Elk.

WHEREAS, The election district of Benzinger, in Elk county, has been divided, and two election districts formed therefrom :

And whereas, An election house was not designated for the new district when the same was created :

And whereas, The township election will be held before any court of quarter sessions convenes in said county ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the general and township elections for the township of Benzinger, in the county of Elk, be hereafter held at the school house situated on St. Michael street, near Elk Creek bridge, in said township.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of January, Anno Domini one thousand eight hundred and fifty-eight.

JAS. POLLOCK.

No. 3.

AN ACT

To authorize the purchase of a Residence for the Governor of the Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the secretary of the commonwealth, the auditor general and state treasurer, and a committee consisting of three members from each house, are hereby authorized to select and purchase, on behalf of the commonwealth, a house and lot in the borough of Harrisburg, to be hereafter used as the residence of the governor of the commonwealth, and they are hereby directed to obtain a clear

Purchase of Governor's house authorized.

title therefor, free of all incumbrances, and cause the conveyance thereof to be duly recorded by the recorder of deeds of Dauphin county, and afterward to deposit the same in the office of the secretary of the commonwealth, for preservation: *Provided*, ^{Proviso.} That the entire cost of said property, and fixtures connected therewith, shall not exceed the sum of eleven thousand dollars: *And provided also*, That the contract for the purchase of said property shall be first submitted to the two houses for ratification.

SECTION 2. That the sum of eleven thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the purchase of the aforesaid property, and any incidental expenses connected with the conveyance thereof, to be paid out of any moneys in the treasury not otherwise appropriated, to be drawn upon warrants of the auditor general, after a settlement in his office of the expenses and outlays incurred in the aforesaid purchase. ^{Appropriation}

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighteenth day of January, Anno Domini one thousand eight hundred and fifty-eight.

JAS. POLLOCK.

No. 4.

AN ACT

Relative to the Hanover and South Whitehall Bridge Company, in the county of Lehigh.

WHEREAS, The stockholders of the Hanover and South Whitehall bridge company, in the county of Lehigh, neglected to elect officers of the said company on the first Monday in November last, as required by law; therefore, ^{Preamble.}

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the stockholders of the Hanover and South Whitehall bridge company, in the county of Lehigh, are hereby authorized and empowered to hold an election at the public house of John Y. Bechtel, inn-keeper in the borough of Allentown, in said county, on Monday, the first day of February next, at one o'clock, P. M., of said day, for the purpose of electing one president, five managers and a treasurer of said company, to serve until the first Monday in November next. ^{Election.}

LAWS OF PENNSYLVANIA,

Certain acts validated.

SECTION 2. That all the acts of the said officers shall be as good and valid in law as if they had been elected on the first Monday of November last.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of January, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 5.

AN ACT

To change the time of holding elections in the township of Porter, Jefferson county.

WHEREAS, The citizens of Porter township, in the county of Jefferson, experience great inconvenience by the time set for holding their spring elections, which takes place on the fourth Monday in February, annually, and that is the time when the citizens are generally engaged in rafting or preparing to run their lumber to market, and cannot attend to the election:

And whereas, There will be no court held in said county until after the time proposed in the annexed act for holding the elections in said township; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the electors of Porter township, in the county of Jefferson, shall hold their elections on the first Monday in February, annually, hereafter, instead of the fourth Monday as heretofore.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of January, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 6.

AN ACT

Authorizing the School Directors of the borough of New Brighton, Beaver county, to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the school directors of the borough of New Brighton, Beaver county, are hereby authorized to borrow any sum of money not exceeding four thousand dollars, and issue bonds for the same in sums not less than one hundred dollars each, bearing a rate of interest not to exceed seven per centum per annum.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-eighth day of January, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 7.

AN ACT

To change the time of holding township and borough elections in the county of Clinton.

WHEREAS, The time fixed by law for holding township elections in the county of Clinton is upon Friday of the week for holding the February term of the county court, consequently preventing many of the electors of said county from attending both:

And whereas, An appeal to the said court for a change of time would deprive said electors of that privilege on the second Friday of February ensuing; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the qualified electors of the county of Clinton shall hereafter*

LAWS OF PENNSYLVANIA,

hold their township and borough elections on the fourth Friday in February, in each year.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-eighth day of January, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 8.

A N A C T

To repeal so much of the third section of an act approved the eighteenth day of February, one thousand eight hundred and fifty-one, as authorizes the Supervisor of New Castle township, Schuylkill county, to sell by public outcry the making and repairing of the public roads in said township.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the third section of the act, entitled "An Act relative to supervisors in the counties of Bucks, Pike and Schuylkill," approved the eighteenth day of February, one thousand eight hundred and fifty-one, as now authorizes the supervisor of New Castle township, in Schuylkill county, to sell or give out by public outcry, to the lowest and best bidder, the making and repairing of the public roads in said township, is hereby repealed.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-eighth day of January, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 9.

A N A C T

Relating to a certain State Road in Columbia county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the court of quarter sessions of the peace of Columbia county shall have jurisdiction to appoint re-viewers at any time within six months, upon so much of a certain state road authorized by an act, entitled "An Act authorizing the laying out of a state road from Bloomsburg, Columbia county, to Laporte, in Sullivan county," approved the second day of May, one thousand eight hundred and fifty-five, as lies between the town of Bloomsburg and Warrich's lane, in Hemlock township, any provision of existing laws to the contrary notwithstanding; and the powers of said re-viewers, and the powers and proceedings of said court relating to such part of said state road shall be the same as in the ordinary cases of roads in said county. Appointment of reviewers.

SECTION 2. That any prosecution pending in the aforesaid court against the supervisors of Hemlock township, for not opening the part above mentioned of said state road, shall be suspended until the termination of the proceedings upon re-view authorized by this act, when the said court may direct a *nolle prosequi* to be entered upon payment of costs, if any part of said road shall have been vacated, or the location thereof changed. Certain prosecutions suspended

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of January, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

LAWS OF PENNSYLVANIA,

No. 10.

A N A C T

Authorizing the trustees and faculty of the Union Seminary of the East and West Pennsylvania Conferences of the Evangelical Association, et cetera, to confer Degrees and grant Diplomas.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the trustees and faculty of the corporation now known by the name, style and title of the Union Seminary of the East and West Pennsylvania Conferences of the Evangelical Association in the United States of North America, located at New Berlin, Union county, shall have power to grant and confirm unto ladies who perfect a three years course of study therein, such degrees in the liberal arts and sciences, or in certain branches thereof, as have been usually granted in similar institutions in the United States; to grant likewise to said graduates diplomas under the common seal of the corporation, in order to authenticate and perpetuate the memory of such graduation; and to grant also certificates to such students as have duly completed the course of studies prescribed in any subordinate department of the seminary.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirtieth day of January, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 11.

A N A C T

To empower the Buck Mountain Coal Company to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the directors of the Buck Mountain coal company, for the liqui-

dation of their floating debt and the prosecution of their business, be and they are hereby authorized to borrow any sum or sums of money not exceeding two hundred and fifty thousand dollars, and to issue loan certificates for the same in any convenient amounts not less than one hundred dollars, with or without coupons, to be made payable at any period not exceeding fifteen years, and when any of said certificates shall have been paid new certificates may be issued in lieu thereof: *Provided however*, That the whole amount outstanding at any one time shall not exceed the aforesaid sum of two hundred and fifty thousand dollars; and for the more perfect security of any sum or sums so borrowed, the said directors are authorized to mortgage the whole or any part of their landed estate, railroad and other improvements: *Provided*, That the declaratory act passed the twenty-fifth day of February, Anno Domini one thousand eight hundred and fifty-six, respecting the interest on loan certificates issued by any railroad or canal company, together with the eleventh section of the act of July twenty-six, one thousand eight hundred and forty-two, referred to therein, shall extend and be applied to the certificates issued under the present act.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The first day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 12.

A N A C T

Changing the time of holding elections in the borough of Bethany, in the county of Wayne.

WHEREAS, By the second section of the act incorporating the borough of Bethany, passed the thirty-first April, one thousand eight hundred and twenty-one, the citizens thereof are required to hold an election on the second Friday of May, annually, to elect a chief burgess, assistant burgess, five councilmen, and high constable, while they are required by the act of the second of July, one thousand eight hundred and twenty-nine, to elect all other officers of said borough on the third Friday of February, annually; and as great inconvenience arises from holding said elections on different days; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act the qualified electors of the borough of Bethany, in the county of Wayne, shall hold their election for the choice of all borough officers that they are authorized to elect under the second section of the act passed thirty-first April, one thousand eight hundred and twenty-one, or under any other act, on the third Friday of February, annually, which election shall be regulated and conducted throughout according to township elections in said county, and returns thereof made in the same manner; and so much of the said second section of the act of thirty-first April, one thousand eight hundred and twenty-one, as is hereby altered or supplied, be and is hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 13.

A SUPPLEMENT

To an act to incorporate the Broad Top Improvement Company, approved the twenty-sixth day of April, one thousand eight hundred and fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Broad Top improvement company be and they are hereby authorized to borrow money to an amount not exceeding the sum of seventy thousand dollars, and to issue their bonds therefor in amounts not less than one hundred dollars each, bearing any rate of interest not exceeding seven per centum per annum, and to secure the payment thereof by mortgage of such portions of their property as they may deem expedient, and may sell and dispose of such bonds at such rates and in such amounts as may be mutually agreed upon.

SECTION 2. That said company, with the consent of a majority in interest of their stockholders, at a meeting to be called for that purpose, may from time to time sell and convey such por-

May borrow
money.

May sell real
estate.

tions of their real estate as they may deem necessary to advance the interests of the company.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 14.

A N A C T

Authorizing the Burgess and Town Council of the Borough of Kennett Square, in Chester county, to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the burgess and town council of the borough of Kennett Square, be and they are hereby authorized and empowered to borrow, on the credit of said borough, any sum or sums of money not exceeding five thousand dollars, and to issue bonds or certificates of indebtedness thereof, under the corporate seal of said borough of Kennett Square, attested by the burgess and secretary for the time being, in sums of not less than one hundred dollars each, payable at the expiration of twenty years, or any shorter period, at the discretion of said burgess and town council, from the date of issue, at a rate of interest not exceeding six per centum per annum, which interest shall be payable annually to the holder or holders of such bond or bonds, certificate or certificates; and the said burgess and town council shall have authority from time to time and as often as the same may be necessary, to raise by taxation, in the manner pointed out by existing laws for that purpose, such sum or sums of money as will be necessary to pay off the principal and interest of said bond or bonds, certificate or certificates: Provided, That such money, when borrowed, shall be applied to the payment of the present indebtedness of said borough of Kennett Square, and towards the future improvement of the streets, lanes and alleys, et cetera, of the same.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 15.

AN ACT

For the relief of Sarah A. Fryer, widow of an old soldier.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer be and he is hereby authorized to pay to Sarah A. Fryer, of Marshal county, Iowa, widow of Abraham Fryer, deceased, a soldier of the Indian war, a gratuity of forty dollars and an annuity of forty dollars during her life, payable half yearly, and dating from the first day of January, Anno Domini one thousand eight hundred and fifty-eight.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fourth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER

No. 16.

A SUPPLEMENT

To an act to incorporate the Hopewell Coal and Iron Company, approved the seventh day of May, one thousand eight hundred and fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Hopewell coal and iron company be and they are hereby authorized to borrow money to an amount not exceeding seventy thousand dollars, and to issue their bonds therefor in amounts not less than one hundred dollars each, bearing any rate of interest not exceeding seven per centum per annum, and to secure the payment thereof by mortgage of such portions of their property as they may deem expedient, and may sell and dispose*

of such bonds at such rates, and in such amounts as may be mutually agreed upon.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fourth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 17.

A N A C T

To provide for the Collection of additional Taxes in the borough of Coudersport, Potter county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the burgess and town council of the borough of Coudersport, in the county of Potter, be and they are hereby authorized and empowered, in addition to the tax now authorized by law to be assessed and collected in the said borough, to levy and collect an additional tax for the next two years, on and after the passage of this act, not to exceed one and one-half per centum in any one year on the last adjusted valuation of property in said borough, for county purposes, the same to be levied and collected in manner as is now provided by law for the levying of taxes in said borough, the same to be appropriated to the redemption of the public debt of said borough, and to the building of bridges in the same.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fourth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 18.

A N A C T

To authorize the Orphans' Court of Westmoreland county to appoint a guardian of the estate of Jane Zimmerman, a deaf and dumb adult.

WHEREAS, Robert Zimmerman, administrator of the estate of David Zimmerman, late of Westmoreland county, deceased, has represented to the legislature that Jane Zimmerman, a daughter of the said deceased, is deaf and dumb, and that by reason of her said infirmity is incapable of managing her property, and it is also represented that the said Jane Zimmerman is over the age of twenty-one years; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the orphans' court of Westmoreland county, should they deem it proper and necessary, be and they are hereby authorized, empowered and required, on the application of any next friend or friends of Jane Zimmerman, daughter and heir-at-law of said David Zimmerman, deceased, to appoint a guardian or guardians for the said Jane Zimmerman; and the guardian or guardians so appointed shall have the same powers, rights and privileges, and be subject to the same duties and accountability as guardians appointed by the orphans' courts of this commonwealth for minors under the age of twenty-one years; and the said court shall have power to discharge said guardian or guardians for sufficient cause, and appoint others in their stead from time to time as fully and in the same manner as the said court may do under the existing laws in cases of guardians of minors appointed in the ordinary manner: Provided, That the guardianship of the said Jane Zimmerman shall continue so long as the said court may be satisfied that she the said Jane Zimmerman shall remain incapable of managing her property and no longer: Provided, That the said guardian or guardians, before they enter upon the duties of their appointment, shall give such security as shall be approved of by the orphans' court of Westmoreland county.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fourth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 19.

A FURTHER SUPPLEMENT

To an act establishing an Academy in the borough of Somerset, approved March nineteenth, A. D. eighteen hundred and ten.

WHEREAS, The trustees of the Somerset academy, under the advice and direction of the stockholders of said institution, have agreed to co-operate with the Allegheny Evangelical Lutheran Synod of Pennsylvania in the creation of a high school in Somerset borough; and in accordance with the wishes of the said stockholders, the said trustees, Daniel Weyand, Wm. J. Bear and Ross Forward have, by written agreement bearing date of January the fourth, Anno Domini one thousand eight hundred and fifty-eight, made with Peter Sahm, Joseph Fichtner and John Row, acting on behalf of said synod, placed the academy buildings and grounds appurtenant thereto at the disposal of trustees hereafter to be elected under said agreement:

Preamble.

And whereas, It is deemed necessary to have further legislation to legalize the acts of the said trustees and more fully to carry out the intentions of the parties to said agreement and to complete the organization of said school; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the acts of the said Daniel Weyand, Ross Forward and William J. Bear, in making said agreement, are hereby declared legal and valid, and binding upon the parties thereto according to the intent and meaning thereof, as fully and effectually as if the said trustees had heretofore been duly authorized to execute the same; and the said trustees shall have power to make such further arrangements in writing as may be deemed necessary more fully to carry into execution the terms and conditions of said agreement.

Power of trustees

SECTION 2. That hereafter the style and title of said institution shall be the "Somerset Institute," and shall be under the government of a board of trustees consisting of nine persons, who shall be elected and appointed as follows, viz:

Style and number of trustees.

SECTION 3. The stockholders shall elect six of said trustees, citizens of the county of Somerset, three of whom shall be members in good standing of the Evangelical Lutheran church, and three from such other denominations as the stockholders may agree upon, and the remaining three shall be appointed by the above named synod; Peter Sahm, Joseph Fichtner and John Row shall be trustees for said synod; Daniel Weyand, Ross Forward, William J. Bear, John H. Snyder, James Benford and Charles Witmer, shall be trustees to represent the county until there shall be a general meeting of the stockholders called by said trustees, or a majority of them, as soon after the passage of this act as may be deemed expedient, of which time and place of

First trustees.

meeting there shall be ten days' public notice; when thus convened the said stockholders shall proceed to the election of six trustees, three of whom shall serve three years, the other three to serve six years, and at the end of every three years three shall be elected to serve six years; and if the stockholders shall fail to elect as aforesaid, said trustees shall hold their office until their successors shall be duly elected or appointed; the three trustees who are to represent the said synod shall be elected as that body may think proper, and they shall fill such vacancies as may occur in their number; the nine trustees thus elected shall constitute a board, and shall be known and have all the rights and privileges of a body politic; whenever a vacancy shall occur in the board of trustees in the county, by death, resignation or otherwise, the remaining trustees shall, at any regular meeting of the board, fill such vacancy, and in making the selection, however, they shall conform to the rules heretofore prescribed, and the person or persons so elected or appointed shall continue in office until his successor shall be duly elected or appointed; the board of trustees shall be organized by the election from their own number of a president, secretary and treasurer, and they shall conduct the business of the institute, keep the records, collect and disburse the funds in such manner as may be provided for in the by-laws hereafter to be made; five of the number of trustees shall constitute a quorum to do business.

SECTION 4. The trustees shall cause to be made one common seal, with such device and inscription as they shall think proper, by and with which all deeds, diplomas and certificates of such trustees shall be authenticated; they shall have power to make by-laws and such regulations as shall be necessary for the government of the school, and they shall have the power of receiving scholars: *Provided*, They reject none on account of their persuasion in matters of religion, so long as such pupils conform to the rules of the "institute," and demean themselves in a proper manner; said trustees are to meet at least once a year, at such time and place as they shall designate, of which notice shall be given by the secretary, in writing, at least three weeks previous to the time of meeting; if a quorum be not in attendance at such meeting, those present may adjourn and appoint another meeting until a quorum be in attendance; the trustees shall have the power to elect teachers, fix their salaries, and remove them for incapacity, inattention, violation of regulations, or for other causes which may be deemed sufficient; they may also call extra meetings whenever it may be thought necessary, when the same notice shall be given as that which is required at a regular meeting; the principal of the school shall be a male member of the Evangelical Lutheran church, in good standing, unless a majority of the trustees taken from the Lutheran church may consent otherwise.

SECTION 5. Any person who contributes five dollars to the "institute," shall be considered a stockholder, and shall have a vote if he has paid to its funds at least the sum of five dollars; and every person who shall have paid fifteen dollars shall be entitled to two votes; thirty dollars, three votes; fifty dollars, four votes; and seventy-five dollars, five votes; but no person shall be entitled to more than five votes; and any subscriber who shall

have paid as aforesaid, may vote at any meeting or election, either in person or by proxy duly appointed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 20.

A N A C T

Relating to the Management of the North Branch Extension of the Pennsylvania Canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the resignation by William R. Maffet of his appointment as superintendent and engineer upon the North Branch extension of the Pennsylvania canal from Pittston northward, made by the forty-third and forty-fourth sections of the general appropriation act of seventh May, one thousand eight hundred and fifty-five, is hereby accepted, the same to take complete effect on and after the tenth day of February of the present year, and thereafter the jurisdiction and duties of the state engineer shall extend to said line.

W. R. Maffet, resignation.

When to take effect.

SECTION 2. That it shall be the duty of the canal commissioners forthwith to take charge of the said canal, and report, at as early a day as possible, to the legislature, an estimate of the probable amount required to be expended upon the said line in order to the bringing of the same into early use; and no new contracts or engagements of the present superintendent and engineer shall be valid unless authorized or ratified by them: *Provided*, That the said board of canal commissioners shall not make any contract for the making of repairs on said line, or for any other purpose, until they shall have submitted their statement to the legislature, except such as are absolutely necessary.

Canal commissioners to take charge of canal and make report.

Proviso.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER:

No. 21.

A N A C T

To change the place of holding Elections in Porter township, Schuylkill county.

WHEREAS, The house designated by law for holding the elections in Porter township, Schuylkill county, is situate in a very remote part of said township, and said locality being thinly settled, and having but one public road running to and from said house, and said house is occupied as a private house :

And whereas, The school house proposed is situate near the centre of said township :

And whereas, As no court will be held in said county until the time for holding the township elections in said township ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the general, special and township elections held at the private house of George Reinard, in Porter township, Schuylkill county, shall be held at the school house number one, situate on the Clark's Valley road, between John Deitrick's and Jacob Kimmel's, in said township.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The ninth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 22.

A N A C T

To change the place of holding the Elections in Hegins township, Schuylkill county.

WHEREAS, The house designated by law for holding the elections in Hegins township, county of Schuylkill, is situate in a remote part of said township, and the owner of the house where the election is held lives private and does not want the election held at his house, and as no court will be held in said county

until after the time for holding the township election in said township; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the general, special and township elections heretofore held at the private house of John G. Renn, in Hegins township, Schuylkill county, shall be held at the house of Edward Ossman, in said township.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The ninth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 23.

A N A C T

To confirm the title of the Bank of Chambersburg to certain real estate situate in the city of Philadelphia.

WHEREAS, William S. Boyd and wife, by indenture bearing date the sixth day of November, Anno Domini one thousand eight hundred and fifty-seven, recorded at Philadelphia in deed book R D W, number one hundred and fifty-eight, page one hundred and seventy-one, et cetera, granted and conveyed to the Bank of Chambersburg, in fee, for the consideration of six thousand dollars, the following described real estate: All that certain brick store house and lot or piece of ground situate on the east side of Front street and west side of Water street, between Market and Chestnut streets, in the said city, containing in front or breadth, north and south, about eighteen feet, and in length or depth, east and west from Front to Water street, about forty feet three inches and a quarter of an inch, bounded on the north by the middle of the party wall between this and the adjoining store now or late belonging to Joseph Clark, and others; on the east by the said Water street; on the south by the middle of the party wall between this and the adjoining store, granted or intended to be granted to Richard Ashhurst; and on the west by Front street aforesaid:

And whereas, The said real estate belonged to the firm of William S. Boyd and company, but the legal title was in William S. Boyd:

And whereas, The said consideration money was paid in a certificate of deposit, issued by the Bank of Pennsylvania, in favor of the said the Bank of Chambersburg, and the said certificate of deposit was received by the said Bank of Pennsylvania from William S. Boyd and company, and applied in satisfaction of a debt of the said firm to that bank :

And whereas, Doubts may arise as to the right of the said the Bank of Chambersburg to hold the said real estate conveyed as above recited, and it is proper that the title to the same should be confirmed ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said deed, made the first day of November, Anno Domini one thousand eight hundred and fifty-seven, by the said William S. Boyd, and wife, to the said the Bank of Chambersburg, shall be taken to be good and valid, and that the title to the said real estate be vested and confirmed absolutely in the said the Bank of Chambersburg, their successors and assigns, and that any and all rights or claims which this commonwealth may have to the said real estate be and they are hereby extinguished and released to the said the Bank of Chambersburg, their successors and assigns.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The tenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 24.

A SUPPLEMENT

To an act, entitled “An Act to incorporate the Board of Elders of the Northern Diocese of the Church of the United Brethren of the United States of America,” approved the twenty-ninth day of March, Anno Domini one thousand eight hundred and fifty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the third section of an act, entitled “An Act to incorporate the Board of Elders of the Northern Diocese of the church of the United Brethren of the United States of America,” approved the twenty-ninth day of March, in the year of Our Lord one thousand eight hundred and fifty-one, as provides that

the said corporators shall not at any time hold, or absolutely possess property or estate, real, personal or mixed, exceeding the annual value of twelve thousand dollars, be and the same is hereby repealed, and that the said corporators shall not at any time hold, or absolutely possess property or estate, real, personal or mixed, exceeding the annual value of twenty thousand dollars.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The tenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 25.

AN ACT

To authorize the payment of certain expenses by the counties of Union and Snyder.

WHEREAS, Expenses have been and will be incurred by the trustees named in the act of eighteenth of April, one thousand eight hundred and fifty-seven, supplementary to the act of second of March, one thousand eight hundred and fifty-five, and it is proper that provision be made for the payment thereof; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the commissioners of the counties of Union and Snyder, respectively, to draw orders upon the respective treasurers thereof for the amount of any necessary and legal expenses incurred by the trustees aforesaid, under the said act, or hereafter to be rightfully incurred by them in the prosecution of their duties, before funds are realized upon any sale or sales of property under said act: Provided, That said expenses be paid by said counties in equal parts or proportions, and that the same be re-paid to said counties out of proceeds of sales of property under said act.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The tenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

LAWS OF PENNSYLVANIA,

No. 26.

A N A C T

To correct an error made in payment of Collateral Tax on the estate of Samuel Sellers, deceased.

WHEREAS, Samuel Sellers, late of the county of Delaware, died intestate, leaving a widow, but no children :

And whereas, The administrators of the said decedent, in settling the collateral inheritance tax on his personal estate, paid a full tax of five per centum on the whole adjusted value of said estate, including in that value the moiety of it belonging to his widow, whereby, as fully appears, there was overpaid the commonwealth the sum of six hundred and eight dollars and thirty-two cents :

And whereas, Louisa S. Sellers, the said widow of the said decedent, is now herself deceased, leaving an estate, inclusive of that above erroneously taxed, subject to collateral taxation, for remedy of which error and overpayment ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the register of Delaware county be and is hereby authorized in adjusting the collateral inheritance tax on the estate of the said Louisa S. Sellers, deceased, to accredit the said estate with the above overpayment of six hundred and eight dollars and thirty-two cents, and further to allow the said estate the usual percentage on that sum which is allowed for moneys paid for collateral tax within three months from the death of any decedent.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 27.

A N A C T

To repeal an act relative to the Collection of Taxes in East Earl township, Lancaster county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An Act relative to the collection of taxes in East Earl township, Lancaster county," approved the twenty-eighth day of April, one thousand eight hundred and fifty-seven, be and the same is hereby repealed.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 28.

A N A C T

Repealing a tax on Dogs in the townships of Falls and Lower Makefield, in the county of Bucks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the twelfth section of an act, approved the eighth day of April, Anno Domini one thousand eight hundred and fifty-three, entitled "An Act to incorporate the president and managers of the Belmont avenue and plank road company in Philadelphia county, and for other purposes," be and the same is hereby repealed, so far as the same relates to the taxing of dogs in the townships of Falls and Lower Makefield, in the county of Bucks, and all moneys collected and to be collected*

LAWS OF PENNSYLVANIA,

as dog tax shall be appropriated to the school funds of said townships for school purposes.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twelfth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 29.

A N A C T

Providing for the Publication of certain Accounts in Somerset county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall be the duty of the commissioners, auditors, treasurer, directors of the poor, sheriff, prothonotary and clerks of the several courts, register and recorder of Somerset county, to publish all notices, settlements, rules and all other proceedings in the said offices and courts, when by law the same is required to be inserted in one paper in said county, shall be published in two English newspapers, if there be so many published in Somerset borough.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twelfth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 30.

A FURTHER SUPPLEMENT

To the act incorporating the Farmers' Mutual Fire Insurance Company of Dover, Conewago, Newberry and East and West Manchester townships, in the county of York, approved the fifteenth day of April, one thousand eight hundred and fifty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the directors of said company shall hereafter be elected annually on the last Saturday of August, between the hours of two and six o'clock, and that the first annual statement of the affairs of said company, shall be published within thirty days after the first Monday of November next, and annually thereafter, and the elections so held, and the publication of said statements so made, shall be taken and deemed a compliance with the provisions of the fourth and fifteenth sections of the act approved the second day of April, one thousand eight hundred and fifty-six, entitled "An act to provide for the incorporation of insurance companies."*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twelfth day of February, Anno Domini one thousand eight hundred fifty-eight.

WM. F. PACKER.

No. 31.

A N A C T

Repealing an act, approved twentieth March, A. D. one thousand eight hundred and fifty-seven, authorizing the location of a certain State Road in the counties of Berks and Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An Act authorizing the laying out of a state road from a public road leading from Hamburg to Rehrersburg, at or near Straustown, Upper Tulpehocken township, Berks*

county, to a public road leading from Rehrersburg to Pottsville, at or near the farm of John Emench, in Wayne township, Schuylkill county," approved the twentieth day of March, A. D. one thousand eight hundred and fifty-seven, be and the same is hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twelfth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 32.

A N A C T

Relative to Elections in the borough of Mill Hall, in the county of Clinton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the qualified electors of the borough of Mill Hall, in the county of Clinton, shall have power at their first spring election after the passage of this act, to elect one person as chief burgess, to serve for the term of one year; two councilmen, to serve for the term of one year; and two councilmen, to serve for the term of two years; and annually thereafter to elect one person as chief burgess, to serve for the term of one year; and two councilmen, to serve for the term of two years.

Borough of Mill
Hall, relative to
elections.

SECTION 2. That the act of assembly, approved the first day of April, Anno Domini one thousand eight hundred and thirty-four, so far as it conflicts with this act, be and the same is hereby repealed.

Repeal.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 33.

A N A C T

Authorizing the Canal Commissioners to re-examine the claim of Given and Collins.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners are hereby authorized to re-examine the claim of Given and Collins, for the burning of a store by one of the locomotives belonging to this commonwealth, and report the facts connected with the same to the legislature.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 34.

A N A C T

To authorize the appointment of an additional Notary Public in the borough of Scranton, in Luzerne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the governor be and he is hereby authorized and empowered to appoint an additional notary public for the commonwealth, to reside in the borough of Scranton, in Luzerne county.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 35.

A N A C T

Declaring Five Mile run, in Jefferson county, a Public Highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the Five Mile run, in Jefferson county, be and the same is hereby declared a public highway from its mouth where it enters into Sandy Lick creek to R. J. Nicholson's mill, in Knox township, Jefferson county.*

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 36.

A N A C T

Relative to the Cathedral Cemetery, West Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the ninth section of the act of assembly of this commonwealth, entitled "An Act to incorporate the Mount Moriah cemetery association of Philadelphia," approved the twenty-seventh day of March, Anno Domini one thousand eight hundred and fifty-seven, is hereby extended to the Cathedral cemetery, in the Twenty-fourth ward of the city of Philadelphia.*

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 37.

A SUPPLEMENT

To an act to incorporate the Iron City Bank, approved May thirteenth, one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first proviso to the act to which this is a supplement, which provides that one-third of the capital stock of said bank actually paid in shall be loaned to the farmers, mechanics and others of the county of Allegheny, if applied for, for one year, on a sufficient surety being given by bond and mortgage on real estate, be and the same is hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 38.

A N A C T

Relative to Mechanics' Liens in the counties of Luzerne and Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the several provisions of an act, entitled "An Act relating to the liens of mechanics, and others, upon buildings," approved the sixteenth day of June, one thousand eight hundred and thirty-six, and the several supplements thereto, are hereby extended to all improvements, engines, pumps, machinery, screens and fixtures, erected or put up by tenants of leased estates on land of others in the counties of Luzerne and Schuylkill, and to all mechanics, machinists and materialmen doing work or furnishing the articles or materials therefor: *Provided,* That the lien hereby created shall extend only to the interest of the tenant or tenants, lessee or lessees therein, and to the improvements, engines,

LAWS OF PENNSYLVANIA,

pumps, machinery, screens and fixtures erected, repaired, or put up by the mechanics, machinists, persons or materialmen entering liens thereon.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 39.

A SUPPLEMENT

To an act to authorize the election of four Supervisors in Indiana township, Allegheny county, approved the eighteenth day of March, Anno Domini one thousand eight hundred and fifty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That at the election for supervisors in Indiana township, Allegheny county, each voter shall vote a written or printed ticket, headed or endorsed, "supervisor," and with the number of the district in which the voter resides, and containing the name of a qualified citizen of such district, and the person in each district receiving the greatest number of votes of the district in which he resides shall be declared elected for such district.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 40.

A N A C T

To authorize the President and Managers of the Skippack Turnpike Road Company to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Skippack turnpike road company shall have full power and authority to borrow any sum of money or sums of money not exceeding one thousand dollars, which may be necessary to enable them to complete and pay for the finishing of their road, the bridges and other necessary improvements thereon, and to fully discharge and pay the debts incurred in the construction thereof, and enjoy the full benefit of the privileges conferred upon them by the act of assembly authorizing their incorporation, any such loan to be on such terms and conditions as the said corporation may deem fit, and at any rate of interest not exceeding six per centum per annum, with power also to pledge and mortgage as security for such loan or loans their said road, and all and any of their property, real and personal, together with all their rights, powers and privileges and franchises: any sale or sales, under any judicial process to enforce any such pledge or mortgage shall pass to and vest in the vendee or vendees whatever property, rights, powers, privileges and franchises may have been pledged or mortgaged under any such pledge or mortgage as last aforesaid.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 41.

SUPPLEMENT

To an act to incorporate the Pennsylvania State Agricultural Society, approved March twenty-ninth, one thousand eight hundred and fifty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the third section of an act to incorporate the Pennsylvania State agricultural society, approved March twenty-ninth, one thousand eight hundred and fifty-one, or so much of it as imposes a condition upon the payment of the annual appropriation to the said society, for the year one thousand eight hundred and fifty-eight, is hereby suspended, and the state treasurer is authorized to pay to the treasurer of the said society the sum of two thousand dollars out of any money in the treasury not otherwise appropriated, in lieu of the appropriation for the said year provided in the said third section.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 42.

A N A C T

Relative to Taxation in the borough Williamsport, Lycoming county, Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the burgess and town council of the borough of Williamsport are hereby authorized to levy and collect an annual tax for borough purposes not exceeding one half of one per cent. in addition to the taxes now by law authorized to be raised on the assessed valuation for county purposes, as now is or may hereafter be provided by law in said borough.*

May levy additional tax.

SECTION 2. That the moneys obtained by authority of this act shall be specifically applied to the payment of the present indebtedness of said borough of Williamsport, and for no other purposes. How applied.

SECTION 3. That the foregoing sections of this act shall continue in force for the period of three years and no longer. How long to continue in force.

SECTION 4. That the members of the town council, and school directors hereafter to be elected, shall be elected one half from the East and one half from the West wards of said borough. How members of council and school directors elected.

SECTION 5. That the provisions of the fourth section of this act shall take effect at the election to be held in February, eighteen hundred and fifty-eight. When to take effect.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 43.

SUPPLEMENT

To an act to incorporate the borough of York, York county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the election for borough officers for the borough of York, shall be opened between the hours of eight and ten o'clock in the forenoon, and shall continue without interruption or adjournment until seven o'clock in the evening, when the polls shall be closed; and all acts or parts of acts inconsistent herewith shall be and the same are hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 44.

A FURTHER SUPPLEMENT

To an act, entitled "An Act to incorporate the Richland Turnpike or Plank Road Company," approved February eleventh, Anno Domini one thousand eight hundred and fifty-four.

May enter upon
the Doylestown
road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the managers of said turnpike or plank road be authorized to enter upon the Doylestown road from the junction thereof with said turnpike or plank road, and have full power to repair and widen said road to the track of the North Pennsylvania railroad.

Subject to.

SECTION 2. That hereafter said Doylestown road from the junction with said turnpike or plank road to the bed of the railroad, shall be considered a part of the turnpike or plank road, and subject to the same regulations.

Authority and
power of officers.

SECTION 3. That the president and managers of said turnpike or plank road shall be hereby authorized to pay for all work done on said branch road, out of the funds of the company, the same as though it were a part of the original act of incorporation, and full power to open the same to the width of the turnpike or plank road, giving said company full power to erect a gate on the same, and to take toll agreeable to a supplement of the original act of incorporation, approved February sixth, Anno Domini one thousand eight hundred and fifty-seven.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 45.

AN ACT

Authorizing the State Treasurer to pay for Assorting and Filing the Papers of the Senate and House.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

the state treasurer be authorized and required to pay to Lucius Rogers the sum of nine hundred and fifty dollars, to John A. Smull the sum of six hundred and thirty dollars, and to William P. Smull five hundred and nineteen dollars, those being the amounts due them respectively for assorting and filing papers of the legislature, under the seventy-eighth section of the appropriation act of eighteenth day of May, one thousand eight hundred and fifty-seven, as fixed and allowed by the committees on accounts of the repective houses pursuant to said act.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 46.

AN ACT

For confirmation of the title of J. Howard Lewis, to certain Real Estate in Delaware county.

WHEREAS, Upon petition of John K. Kane and Mary B. Leiper, Preamble.
two of the executors of the will of Samuel M. Leiper, deceased,
an order was heretofore issued by the orphans' court of Delaware county to the said executors to sell for the payment of debts, at public or private sale, as they the said executors might think best, a certain messuage, plantation and tract of land late the estate of the said Samuel M. Leiper, deceased, known as the Ashton farm, situate in the township of Ridley, in said county, bounded now or late by lands of Mary Gardiner, John Harper, Thomas Horne, John Erskine, and others, containing one hundred and seventy-four acres, or thereabouts, and if the said executors should sell at public sale, then the sale to be on the premises, after due and legal notice, agreeably to the directions of the fifty-fourth section of the act of twenty-ninth March, one thousand eight hundred and thirty-two:

And whereas, The said executors, after divers times advertising and offering the said premises at public sale without obtaining any bids, finally effected a private sale thereof to J. Howard Lewis, of said county, which sale, upon return thereof made was by the said court, on the twenty-eighth day of May, one thousand eight hundred and fifty-seven, duly confirmed:

And whereas, The said executors, in pursuance of the said sale and confirmation, by indenture, dated the first day of Sep-

tember, one thousand eight hundred and fifty-seven, duly acknowledged in open court at Media, the first day of December, one thousand eight hundred and fifty seven, and now left for record in the office for the recording of deeds for said county, granted and conveyed the said premises to the said J. Howard Lewis, his heirs and assigns; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the title of the said J. Howard Lewis, and of his heirs and assigns, in and to the said messuage, plantation and tract of land aforesaid, with the appurtenances, shall in no wise be impeached, questioned, invalidated or impaired by reason of the same having been sold to him at private sale as aforesaid, and that the title to the said premises be and the same is hereby confirmed to the said J. Howard Lewis, his heirs and assigns, with the same effect as if the same had been sold at public sale after due and legal notice.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 47.

AN ACT

To incorporate the Pennsylvania Commercial College at Harrisburg.

College estab-
lished.

Memo.

Trustees.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That there shall be and hereby is erected and established in the county of Dauphin, in this commonwealth, a college for the instruction of merchants and others in the various branches of literature and sciences immediately connected with a thorough mercantile education, by the name, style and title of the Pennsylvania Commercial college, to be permanently located in the borough of Harrisburg, in said county of Dauphin.*

SECTION 2. That said college shall be under the direction, management and government of nine trustees, of whom the president of the college, for the time being, shall be one, and said trustees shall have power to delegate to the said president all powers which may be entrusted to them under this charter,

and the authority of the same as far as it relates to the financial operations of said college, without liability on the part of said trustees therefor, and all such powers as relate to the government of said college, and said powers shall thenceforth become permanently vested in said president, for the time being; and said trustees shall also have power to appoint one of their number to preside at the board meetings, and a majority present shall be a quorum, and competent to transact business and to fill vacancies in their own body.

SECTION 3. That the first trustees of said college shall consist of the following persons: T. Kirk White, president of the college, A. O. Hiester, William Dock, A. J. Jones, Benjamin Parke, Robert A. Lamberton, R. F. Kelker, John A. Wier, Hamilton Alricks, Jacob Shell, G. S. Kemble, T. H. Wilson, Henry C. Hickok and Simon Cameron, which said trustees and their successors, to be appointed as often as occasion may require, by the votes of not less than five trustees, shall be forever hereafter, and they are hereby erected into and declared to be a body politic and corporate, with perpetual succession, and with all the incidents to a corporation in deed and in law, to all intents and purposes whatsoever, under the name, style and title of the Pennsylvania Commercial college, by which name and title the said trustees above named, and their successors, shall be able and capable at law and in equity to take to themselves and their successors, for the use of said college as aforesaid, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, moneys or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons or corporation whatsoever: *Provided*, That the annual income of the same, exclusive of the income from students, shall not exceed the yearly value of six thousand dollars; and the same messuages, lands, tenements, hereditaments and estate, real and personal, to grant, bargain, sell, convey, assign, devise, and to farm, let and place out on interest or otherwise dispose of, encumber or invest for the use of said college, in such a manner as to them shall seem most beneficial for said college, and to receive the rents, issues, profits and income of the same, and to apply the same to the proper use of said college, and by the same name to sue, commence actions, prosecute and defend, implead and be impleaded in any courts of law or equity, and in all manner of suits whatsoever, and generally by and in the corporate name, style and title aforesaid, to do and transact all and every business touching and concerning the premises, or which shall be in any manner incident thereto, as fully and effectually as any person or body corporate have power to manage their own concerns.

SECTION 4. That the corporators may cause to be made for their use a common and corporate seal with such devices and inscriptions thereon as they may deem proper, and by and with which all deeds, diplomas, certificates, appointments and acts of said corporation shall pass and be authenticated, and the said seal at their pleasure to break, alter and renew.

SECTION 5. That the corporators mentioned in this act, and their successors, shall have the power and authority of exercising all the privileges and rights conferred by this act on the corporation, of electing and removing officers, professors, teachers

Proviso.

and instructors, of appointing and authorizing a person or persons to carry into execution any resolution or business of the board, and shall have power, by a majority of votes, to make rules, laws and ordinances, and the same to alter and repeal, and to do everything needful for the support and government of the college and the management of its property and estates: *Provided*, That the said rules, laws and ordinances, or any of them, be not in violation of the laws and constitution of the United States, of the state of Pennsylvania, or of the provisions of this act of incorporation: *And provided also*, That said corporators may delegate to the president of the college the above powers and authority as far as relates to the electing and removing of professors, teachers and instructors, and generally such other powers as they may deem proper and for the good of said college.

Faculty.

Degree.

SECTION 6. That the president and professors, for the time being, of said college, with such other professors and tutors as may be necessary to elect, shall constitute the faculty of the college, and shall have power to grant and confirm such degrees in the sciences taught in the college to such students and graduates of the college, and others, when by their proficiency in learning, professional eminence or other meritorious distinction, they shall become entitled thereto, as they may see fit, or as are granted in other colleges of like character in the United States, and to grant to graduates or persons on whom such degrees may be conferred, diplomas or certificates, as is usual in such colleges.

Who may enter college.

SECTION 7. That no religious sentiment shall be accounted a disability to hinder or debar students from entering said college, prosecuting their studies and receiving diplomas or certificates, or in any manner to abridge their privileges or immunities as students in any department of said college.

Meeting of trustees.

SECTION 8. That the time, place and manner of holding and conducting the stated and regular meetings of the board of trustees may be established, from time to time, by the rules and regulations of the corporation, and also the manner of calling special or extra meetings of the board.

Grants, devises, &c.

SECTION 9. That no misnomer of said corporation shall defeat or annul any gift, grant, conveyance, assurance, devise or bequest to the said corporation, or vitiate the same if the corporation be sufficiently described so that the intention of the parties be obvious.

Reservation.

SECTION 10. That the legislature hereby reserve the right to alter, amend or annul the charter and privileges hereby granted, whenever, in their opinion, the same may be necessary for the public good, in such manner, however, that no injustice shall be done to the corporators.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 48.

A N A C T

To authorize the Commissioners of Union county to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of Union county be and they are hereby authorized to borrow a sum of money for county purposes, not exceeding three thousand dollars, at a rate of interest not exceeding six per centum, and for a time not exceeding three years.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 49.

A FURTHER SUPPLEMENT

To an act relative to the Cathedral Cemetery, West Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the ninth section of the act of assembly of this commonwealth, entitled "An Act to incorporate the Mount Moriah cemetery association of Philadelphia," approved the twenty-seventh day of March, Anno Domini one thousand eight hundred and fifty-five, is hereby extended to the Cathedral cemetery, in the Twenty-fourth ward of the city of Philadelphia.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 50.

A SUPPLEMENT

To an act to provide for the appointment of a Reporter of the Decisions of the Supreme Court of the Commonwealth of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That hereafter the reports of the decisions of the supreme court may be bound in good substantial law sheep, and any law inconsistent herewith be and the same is hereby repealed.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 51.

AN ACT

To authorize the Canal Commissioners to re-examine the Claim of Mrs Julian M'Kinney, for Damages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners are authorized to re-examine the claim of Mrs Julian M'Kinney, for damages done to her property near Wilmore, Cambria county, by the construction of the new Portage railroad.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 52.

A N A C T

Changing the place of holding the Township Elections in West Pennsboro' township, Cumberland county.

WHEREAS, The elections in the township of West Pennsboro', in the county of Cumberland, have heretofore been held in a tavern house, at Mount Rock, and the said house is no longer used as a tavern or public house:

And whereas, The court of common pleas of Cumberland county will not hold their next session until after the time for holding the next spring election will have elapsed; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the township elections held in the township of West Pennsboro', in the county of Cumberland, shall hereafter be held in the school house at Kerrsville, in said township.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 53.

A N A C T

For the relief of George Hitzleburger, a soldier of the Indian war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and is hereby authorized to pay to George Hitzleburger, of Lancaster city, a soldier of the Indian war, a gratuity of forty dollars and an annuity of forty dollars, during

LAWS OF PENNSYLVANIA,

his life, payable half-yearly, from the first day of January, Anno Domini one thousand eight hundred and fifty-eight.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER

No. 54.

A N A C T

Authorizing the Commissioners of Bedford county to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of the county of Bedford are hereby authorized to borrow five thousand dollars, to be applied to the payment of the debts of said county.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 55.

A N A C T

To refund to John M'Pherson, late Treasurer of Clearfield county, certain moneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the state treasurer be and is hereby authorized and required to pay and refund to John M'Pherson, late treasurer of Clearfield county, the sum of one hundred and ninety-four dollars and sixteen cents, being the amount overpaid on his account as treasurer of said county into the treasury of the commonwealth.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 56.

AN ACT

To repeal the Lenox Road Law, in the townships of Brooklyn and Gibson, in the county of Susquehanna.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the eighth section of an act, approved the ninth day of April, Anno Domini one thousand eight hundred and forty-nine, so far as it extends the provisions of the Lenox road law, so called, to the township of Brooklyn, in the county of Susquehanna, is hereby repealed, and that the road laws, as they existed in said township at the passage of said section, are hereby revived.

Brooklyn township, Lenox road law in, repealed.

SECTION 2. That the fifth section of an act, approved the sixth day of April, Anno Domini one thousand eight hundred and fifty, so far as it extends the provisions of the Lenox road law, so called, to the township of Gibson, in the county of Susquehanna, is hereby repealed, and that the road laws, as they existed in said township at the passage of said section, are hereby revived.

Gibson township, Lenox road law in, repealed.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 57.

A N A C T

To enable the School Directors of Hyde Parke to complete their School building.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of school directors of the borough of Hyde Parke, Luzerne county, be and the same are hereby authorized to issue school orders on the treasurer of said district, payable in one, two, three, four and five years, respectively, with interest at six per centum, to an amount not exceeding in the aggregate the sum of three thousand dollars, to enable them to finish and furnish their graded school building for the schools of said borough, recently erected: *Provided,* That no order of less than one hundred dollars be issued, and that such order be signed by the president, and attested by the secretary of the board of directors aforesaid.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 58.

A N A C T

Repealing the act authorizing the appointment of a Sealer of Weights and Measures, so far as the same relates to the county of York.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of an act passed the fifteenth day of April, one thousand eight hundred and forty-five, entitled "An Act authorizing the secretary of the commonwealth to distribute copies of the standard of weights and measures, and for the appointment

of sealers," be and the same are hereby repealed, so far as the same relates to the county of York.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 59.

A SUPPLEMENT

To an act relative to the Sale of Lands for the non-payment of Taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the returns for the collection of taxes on unseated lands, and for exonerations required to be made in pursuance of the several provisions of an act of assembly, approved the twenty-first day of April, one thousand eight hundred and fifty-six, entitled "An Act relative to the sale of lands for the non-payment of taxes," shall be good and valid if made on or before the first day of February in each and every year, instead of the first day of January, as required by that act: Provided however, That the returns for the years eighteen hundred and fifty-six and eighteen hundred and fifty-seven, shall be good and valid if made within thirty days after the passage of this act.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 60.

AN ACT

Authorizing the holding of Spring Elections in Madison township, Perry county.

Preamble.

WHEREAS, An act of assembly in relation to establishing and changing the places of holding the general elections throughout the commonwealth, was passed on twentieth April, one thousand eight hundred and fifty-four, pamphlet laws, pages four hundred and nineteen, four hundred twenty, and a supplement to said act, passed thirty-first January, one thousand eight hundred and fifty-five, pamphlet laws, page five:

And whereas, In conformity with said acts, Madison election district, in the county of Perry, on the sixth of August, one thousand eight hundred and fifty-seven, was divided by a decree of the court of quarter sessions of said county, and the north-eastern part of said district named Sandy Hill district, and the voters residing within the boundaries thereof voted at a building a few yards from the store of Samuel Milligan, on the day of the general election, the second Tuesday of October, one thousand eight hundred and fifty-seven, but no provision has been made by law to authorize the holding the township elections in said Sandy Hill district:

And whereas, No court of quarter sessions in said county will be held until after the time fixed for the spring election; therefore,

Voters, when to meet.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the voters residing within the boundaries of Sandy Hill district to meet at the same place where the general election was held last October, and elect and return inspectors and judge of elections for said district; also to vote for constable, township officers and school directors; the acting constable to give not less than ten days' notice of such election, and enumerate the number of the officers to be elected; if there be no constable, a supervisor shall give such notice.

Judges, when to meet.

SECTION 2. The judge of said district, and the judge of the Madison district, shall meet on the next day after the election, at ten o'clock, A. M., at some convenient place, with the tally papers, and add together the votes polled for constable, township officers and school directors, from which a correct return shall be made to the proper officer by one of such judges, within five days after the election.

Judges to deliver certificates of election to constable.

SECTION 3. The judges aforesaid, having ascertained the names of the persons elected to any of the offices aforesaid, shall prepare certificates of election, and deliver them to the constable

to be served on the persons elected, in conformity with existing laws.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 61.

A N A C T

To incorporate the Lutheran and German Reformed congregation of Zion church, of Womelsdorf, in the county of Berks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members of the Lutheran and German Reformed congregation of Zion church, of Womelsdorf, in the county of Berks, are hereby erected into a body corporate, in deed and in law, by the name and style of the Lutheran and German Reformed congregation of Zion church, of Womelsdorf, and by the same name shall have perpetual succession, and be able to sue and be sued in all courts of law and elsewhere, and shall be able and capable in law and equity to take and hold lands and tenements, goods and chattels, of whatever kind, nature or quality, real, personal or mixed, which are now, or hereafter shall become the property of the said congregation, by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person or persons whomsoever, capable of making the same, and the same to grant, bargain, sell or dispose of: *Provided,* That the yearly value or income of said real and personal estate shall not at any time exceed five thousand five hundred dollars: *And provided,* That the church and grave yard belonging to the said congregation shall never be sold, unless a majority of all the members of the said congregation shall consent to the sale thereof.

Incorporation.

Proviso.

Church and grave-yard.

SECTION 2. That the affairs of the said corporation shall be managed and superintended by trustees to be chosen from the members of said congregation, who shall choose from among their own number a president and secretary, and shall also choose a treasurer from among the members of the congregation, who is not a trustee, and who shall, if required by the trustees, give sufficient security for the faithful discharge of his duties; and in case of the removal of the trustees by death, resignation

Trustees and officers.

or otherwise, the vacancy shall be supplied by the remaining trustees; and the following persons shall be the trustee until others shall be elected, to wit: John Richards, Jacob Reifsnyder, and Gabriel Filbert.

Election.

SECTION 3. That the first election to be held in pursuance of this act, shall be conducted by three members of the congregation, to be chosen by the trustees, which election shall be held within ten days from the passage of this act, and all subsequent elections shall be held at such times, and shall be conducted in such manner as may be prescribed by the by-laws.

Seal.

SECTION 4. That the said trustees, and their successors, shall have power and authority to make, have and use one common seal, with such device as they shall think proper, and the same to alter at their pleasure; they shall have power to enact and enforce such by-laws and ordinances as may be proper and necessary for the regulation and transaction of the business of the corporation: *Provided*, That said by-laws and ordinances shall not be inconsistent with the constitution and laws of this commonwealth, or of the United States, and that the same be approved by a majority of the regular members of the congregation, at any annual meeting, or at any special meeting called for that purpose.

By-laws.

Proviso.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 62.

A FURTHER SUPPLEMENT

To the act incorporating a company for making an artificial road from the end of the Lewisburg bridge to Youngmanstown.

Empowered to
change the con-
struction of road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* said company, incorporated by the style and title of the Derrstown and Youngmanstown turnpike company, be and are hereby authorized and empowered so to change the construction of their turnpike road from the western boundary of the borough of Lewisburg to Mifflinburg, as to make the width of the stone part fifteen feet.

SECTION 2. That hereafter the style and title of said corporation shall be the Lewisburg and Mifflinburg turnpike company, instead of the Derrstown and Youngmanstown turnpike company.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 63.

A N A C T

To provide for an examination into the management of the Lancaster Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That upon the passage of this act, it shall be the duty of the governor to appoint three commissioners to examine into and investigate the management and affairs of the Lancaster Bank. The said commissioners, or a majority of them, having first been sworn or affirmed to perform their duties with fidelity, shall proceed to investigate the causes which led to the failure of said bank; and for this purpose they shall have power to call before them all persons whatsoever, at any time connected with said bank, and examine them under oath touching their knowledge of the transactions thereof, which examinations shall be open to the public; and the said commissioners shall have power to examine the books and papers of said bank, and to compel their production by the persons having custody of the same. And in case any person, on request of said commissioners, shall refuse to attend and give evidence, as provided in this act, or shall refuse to produce any book, paper or document which said commissioners may call for, the said commissioners may apply to a judge of the court of common pleas of Lancaster county, who shall thereupon cause such person to come before him, and for any sufficient reason shown, cause such person to be imprisoned until he shall comply with the provisions of this act.

SECTION 2. That the commissioners having completed their investigation, shall report the result, with the evidence taken, to the governor, who shall transmit the same to either branch of the legislature.

Compensation.

SECTION 3. That the commissioners shall receive, as compensation for their services, three dollars per day each, for the time actually employed in the discharge of their duties, not exceeding ten days, which shall be paid out of the funds of the Lancaster Bank.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 64.

A N A C T

To annul the marriage contract between Thomas Washington Smith and Elizabeth G. Smith.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between Thomas Washington Smith and Elizabeth G. his wife, late of the city of Philadelphia, on the sixteenth day of December, Anno Domini one thousand eight hundred and fifty-six, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties, rights and obligations arising therefrom, as fully and effectually, and absolutely, in all respects, as if they had never been joined in marriage.*

A. BROWER LONGAKER,
Speaker of the House of Representatives

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 65.

A N A C T

To change the venue in a certain case from Washington to Beaver county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That a certain issue, joined in the court of common pleas of Washington county, number eighteen of November term, one thousand eight hundred and fifty-two, in which Anderson's executors are plaintiffs, and Read et al. are defendants, be and the same is hereby removed to the court of common pleas of Beaver county for trial, by a jury or juries of Beaver county aforesaid, together with a record of the said case, and all the papers relating thereto; and that the said court is hereby authorized to proceed to trial, verdict, judgment and execution, in the same manner and with the same force and effect as the said court of common pleas of Washington county might or could have done.

Trial removed
from Washington
to Beaver county

SECTION 2. That upon final disposition of said case by the court of common pleas of Beaver county, the prothonotary thereof shall certify and send the record thereof, together with all the papers relating thereto, to the court of common pleas of Washington county, who shall enter the same of record, and certify the same to the register of wills of said county, to the end that the same may be proceeded in according to law.

Duty of prothon-
otary of Beaver
county.

SECTION 3. That it shall be the duty of the court of common pleas of Washington county to order and direct the prothonotary thereof to make out a full transcript of the record and proceedings in said cause, and certify and transmit the same to the said court of common pleas of Beaver county, together with all the papers filed in said cause, and appertaining to or forming part of the record; and the prothonotary of the said court of Beaver county shall file the same, and docket the said cause, that it may be proceeded in and determined by the said court in all things, as well before as after judgment, as if it had originated therein.

Duty of the court
of common pleas
of Washington
county.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 66.

A N A C T

To incorporate the Sumneytown and Keelersville turnpike road company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel Jacoby, Enos Benner, William Rudy, Solomon Artman, Frederick Smith, Abraham G. Raudenbush, Jacob Jacoby, Henry Jacoby, Benjamin Johnson, Aaron Barndt, John M. Nice, Jesse Deetz, Josiah Reller, Michael Sult, Abraham Barndt, Jacob Barndt, Jacob G. Raudenbush, John Dannehower, Jacob Sellers, William Cressman, senior, Anthony Hinkle, Ephraim Heany, John Clymer, Philip B. Grove, Jacob Sauder, Isaac Huber, Charles Millhouser, Enos Gerhart, Jacob Reed, Michael Gerhart, Franklin Leister, Jacob Groff, Joseph Groff, John Hartman, Hiram Hartrauft, John Hultaman, Jesse Ziegler, of the county of Montgomery, and Lewis Nase, Paul H. Hartzel, Henry H. Hartzel, Abraham Hartzel, Neri Barndt, Henry Troxel, Charles W. Everhart, Jacob Schlichter, Charles Schlichter, Lewis Cressman, Michael Headman, Samuel Landis, John Headman, Allen Trumbore, John Nungesser, Michael Walter, Samuel M. Hager, Noah Wambold, Charles Leidy, Lewis Dungan, Noah Trumbore, Samuel Keiper, Samuel Mangle, John B. Ketterer, William Keeler, George G. Raudenbush, Nathaniel Heany, Jacob Delp, David Benner, John Ott, Belteshazzer Miller, Robert Taylor, Frederick Hartman, John 'Texter, John Lutz, Moses Texter, of the county of Bucks, or any seven of them, are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of the Sumneytown and Keelersville turnpike road company, with power to locate and construct a turnpike road, commencing at or near the village of Sumneytown, in the township of Upper Salford, and county of Montgomery, and continuing on or near the bed of the Ridge road, so called, by the best and most practicable route, by way of Tylersport, Schlichtersville and the Methodist meeting house, to the old Bethlehem road, so called, at or near Keelersville, in the township of Rockhill, and county of Bucks, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved on the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the several supplements thereto.

Style and route.

Capital.

SECTION 2. That the capital stock of said company shall consist of six hundred shares, at twenty-five dollars each: *Provided,* That said company may, by a vote of the stockholders, at a meeting called for that purpose, increase their capital so much, either by subscription or loan, as in their judgment may be necessary to carry out the true intent and meaning of this act.

Tolls

SECTION 3. That said company are hereby authorized to charge and receive the same rates of tolls as are allowed to be charged

by the act incorporating the Quakertown and Sellersville turn-pike road company: *Provided*, That said company may, by a vote of the stockholders called for that purpose, at any time they shall see fit and proper so to do, alter and change their rates of tolls: *Provided*, That they shall not be increased.

SECTION 4. That if the said company shall not commence the ^{Limitation.} construction of their road within three years after the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of the company.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 67.

SUPPLEMENT

To an act for the relief of William Furey, late Treasurer of Centre county.

WHEREAS, An act was passed at the last session of the legislature for the relief of William Furey, late treasurer of Centre county:

And whereas, Said Furey died within one month after the passage of said act, and letters of administration on his estate were not granted until August last:

And whereas, A reasonable time ought to be allowed to his administrators to convert his real estate into money, in order to discharge his obligations to the commonwealth; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the time fixed by the act, entitled "An Act for the relief of William Furey, late treasurer of Centre county," for the payment of the balance due on his account, be and the same is hereby extended for the term of one year, from the thirteenth day of October last.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 68.

A N A C T

Relating to Sheriffs' Bonds and Recognizance in Carbon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That hereafter the bond and recognizance of the sheriffs of Carbon county shall be taken in the sum of fifteen thousand dollars.*

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 69.

A S U P P L E M E N T

To the act of Assembly, entitled “An Act relative to the re-location of a part of the Indiana and Armstrong turnpike,” passed eighth of April, one thousand eight hundred and fifty-seven.

WHEREAS, The commissioners appointed in said act, Edmund Page, Robert H. Armstrong and John Oliver, have neglected or refused to perform the duties imposed on them by said act; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That David Peeler, Samuel Walker and James Todd be and they are hereby appointed commissioners to change, alter and re-locate that part of the Indiana and Armstrong turnpike road mentioned and described in the act of assembly to which this is a supplement, hereby giving and granting unto them as full power and authority, in the premises, as was vested and conferred upon the commissioners appointed in the said act of assembly.*

Commissioners to
alter and re-lo-
cate.

Additional du-
ties.

SECTION 2. And the said commissioners hereby appointed shall, and they are hereby required, as soon as they shall have performed the duties imposed upon them, in addition thereto to

deposit in the office of the clerk of the quarter sessions of the peace of Indiana county, a draft of the re-location of said turnpike road, as made by them, together with a draft of that portion of the present road vacated and supplied by them; and from and after the said drafts shall be so deposited by them, and filed by the said clerk, it shall be the duty of the supervisors of Arm-^{Duty of supervi-}strong township, in the county of Indiana, to open the said road sors. upon the said re-location, and thereafter to keep the same in repair, in the same manner as other parts of said road within said township; and the said commissioners shall be entitled to receive the same pay, and be paid in like manner, as the viewers of public roads in Indiana county are paid.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 70.

A N A C T

Relative to Tax Collectors in Washington county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of Washington county are hereby authorized to make such settlements and exonerations with John Berry, Abraham Leeters, and other collectors of taxes in and for said county, until the first day of July next, as by existing laws they are now authorized to make on or before the first day of January, in each and every year.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 71.

A N A C T

Relative to the Athenæum of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Athenæum of Philadelphia shall be and is hereby authorized to take, receive and hold any real and personal estate, the clear yearly value or income whereof shall not, at any time, exceed the sum of six thousand dollars.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred fifty-eight.

WM. F. PACKER.

No. 72.

A N A C T

Declaring the Susquehanna Portage creek, in the county of Potter, a public highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the Susquehanna Portage creek, in the township of Portage, in the county of Potter, is hereby declared to be a public highway, from the saw mill of E. D. Sizer up to the salt works, in said township.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 73.

A N A C T

To amend the charter of the borough of Conshohocken.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified electors of said borough shall, at the next annual election of borough officers, elect nine persons, citizens of said borough, to serve as members of the town council, as follows, viz: three persons to serve for one year, three persons to serve for two years, and three persons to serve for three years, and annually thereafter three persons to serve as aforesaid for three years, and until their successors are duly elected and qualified; and in case of any vacancy occurring by the death, resignation or removal of a member, or otherwise, the said council shall have power to appoint a proper person to fill said vacancy, until the next annual election of borough officers, when the electors shall elect a person to serve for the unexpired term: *Provided*, That the several terms of said members shall be decided at their first meeting, by lot, under the supervision of the burgess: *And provided further*, That seven of said members shall constitute a quorum for the transaction of business. Election of town council.

SECTION 2. That in the absence of the burgess of said borough, or in case of his inability to act, or if a vacancy in said office shall occur, the said council shall choose a president, who shall, during such absence, inability or vacancy, possess and exercise the powers, and perform the duties enjoined upon and possessed by said burgess, and shall be entitled to the same fees that are allowed to the burgess for like services. Burgess, who to serve in his absence.

SECTION 3. That so much of the charter of said borough as is inconsistent with this act, be and the same is hereby repealed; this act to take effect from its passage. Repeal.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 74.

A N A C T

Supplementary to an act authorizing the Governor to incorporate the Wrightsville and New Holland turnpike road company, et cetera, approved the ninth day of April, eighteen hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the annual elections of said company shall hereafter be held on the first Monday of May, and elections held at such time shall be taken and deemed a compliance with the provisions of the fourth section of the act, approved the twenty-sixth day of January, eighteen hundred and forty-nine, entitled "An Act regulating turnpike and plank road companies."*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 75.

A N A C T

To incorporate the Saint Vincent's Home.

Preamble.

WHEREAS, John N. Neuman, Patrick Nugent, Mark A. Frenaye, Alexander Lopes, Jno. B. Colahan and others, have associated together for the purpose of establishing within the city of Philadelphia a charitable institution, for the reception and nurture of destitute infants and foundlings, and with the intention of attaching thereto, at some future day, a lying-in hospital for poor and friendless females, of all persuasions in religion; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the persons named in the above preamble, and their successors, be and they are hereby created and declared a corporation or body politic in law, by the name, style and title of the Saint Vincent's Home, and by that title shall have perpetual succes*

Style.

sion, with power to have a common seal, to make contracts, sue Powers and privileges. and be sued, and to receive, take and hold real and personal estate whatsoever, and the same to sell, mortgage and convey to any person or persons, and to elect or appoint their associates or successors, to choose such officers as they may deem necessary, and to make all needful by-laws, rules and regulations for the government of the said corporation and the furtherance of the said charity, not inconsistent with the constitution and laws of the United States or of this commonwealth: *Provided*, That the annual income of the said real and personal estate shall not Annual income. exceed six thousand dollars, and be used and appropriated to the use of the said charity, and that the said annual income shall be applied to the reception and nurture of destitute infants and foundlings, and to found a lying-in hospital for poor and friendless females of all persuasions in religion.

SECTION 2. That the meetings of the said corporations shall Meetings. be held at such times and places as may be ordered by the by-laws, and that a majority of the members shall constitute a quorum for the transaction of business.

SECTION 3. That the buildings and other real estate, and the personal estate occupied and used by the said charity, during such occupancy and use, be exempt from the payment of city Exempt from the payment of city taxes. taxes.

SECTION 4. That no misnomer of the said corporation shall Grants, devises, &c. defeat any intended gift, devise or bequest thereto, if the intent shall sufficiently appear therein.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 76.

A N A C T

Authorizing the North Lebanon railroad company to borrow money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the North Lebanon railroad company be and is hereby authorized to borrow, in addition to any sum previously borrowed under any existing laws, any sum of money not exceeding thirty thousand dollars, redeemable in seven years, at a rate of interest not exceeding seven per centum per annum, payable semi-annually,

for the purpose of completing their road and the building of locomotive houses, and shall have power and authority to mortgage the said road and property of the said company for the liquidation of said loan: *Provided*, That no bond or certificate shall be issued for a less amount than two hundred and fifty dollars.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 77.

SUPPLEMENT

To an act incorporating the Scranton gas and water company, approved March sixteenth, one thousand eight hundred and fifty-four.

Power to increase
capital stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Scranton gas and water company shall have the right to increase its capital stock to an amount not exceeding one hundred thousand dollars: *Provided*, That the board of directors shall, at any time, deem such increase necessary.

Right to borrow
money.

SECTION 2. That in addition to the loan authorized by the ninth section of the act to which this is a supplement, said company shall have the right to borrow, not exceeding ten thousand dollars, and that the interest for the additional loan hereby authorized, and the loan heretofore authorized, shall not exceed six per centum per annum.

Certificates of
stock.

SECTION 3. That the certificates of stock shall be signed by the president of said company and the secretary or treasurer, as the directors shall authorize.

Annual election,
when and where
held.

SECTION 4. That the annual election of officers, by the stockholders, shall be held in Scranton, on the first Tuesday in April, instead of January first, as required by the act to which this is a supplement.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 78.

A N A C T

Relative to Notaries Public in the city of Carbondale and Wilkesbarre.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of an act, entitled "An Act to enable the governor to appoint notaries public, and for other purposes therein named," approved the fourteenth day of April, one thousand eight hundred and forty, as renders, or may be construed to render aldermen and justices of the peace ineligible to the office of notary public, shall not be construed to apply to the city of Carbondale: and the commission of any alderman or justice who may have heretofore been appointed a notary public in said city shall be good and valid in law, as though the above mentioned act had never been passed: *Provided,* That they shall not have jurisdiction in cases arising on paper by them protested. Notaries public in the city of Carbondale.

SECTION 2. That the governor is hereby authorized to appoint an additional notary public in the borough of Wilkesbarre, Luzerne county. Additional notary.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-sixth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 79.

A N A C T

Relating to Hawkers and Pedlers in the county of Washington.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of section one of an act supplementary to the acts relating to hawkers and pedlers, and regulating auctions in the county of Schuylkill, approved April seventeenth, one thousand eight hundred and forty-six, be extended to Wash-

LAWS OF PENNSYLVANIA,

ington county: *Provided*, That nothing therein shall prevent persons from selling goods of their own manufacture.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 80.

A N A C T

To confer on Nette Adelia M'Kee, the rights and privileges of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Nette Adelia M'Kee, of Manchester, Allegheny county, daughter of Thomas M'Kee and Jannette Andrews, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whotsoever, as fully and effectually as if she had been born in lawful wedlock.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-seventh day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 81.

A SUPPLEMENT

To an act incorporating the Willowgrove and Germantown Plank Road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the term limited in the fourth section of the act, entitled "An Act to incorporate the Willowgrove and Germantown plank road company," approved the twelfth day of April, one thousand eight hundred and fifty-three, for the completion of said road, be extended for the further term of two years, from the twelfth day of April, one thousand eight hundred and fifty-eight. Time extended.

SECTION 2. That the said company shall have the right to change that portion of their road now laid with plank, into a stone or turnpike road, at such times and in such proportions as the managers may think best for the interest of said company. Right to change the road.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The second day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 82.

A N A C T

Supplementary to an act, passed the fifteenth day of April, Anno Domini one thousand eight hundred and fifty-seven, entitled "An Act to further amend the Road Laws of Erie county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the third section of the act to which this is a supplement shall be so construed that it shall be the duty of the county commissioners of Erie county to record the surveys of all the roads now on file in the prothonotary's office, as well as those subsequently filed in the commissioners' office, and shall receive as a full compensation the

LAWS OF PENNSYLVANIA,

sum of seventy-five cents for each copy so recorded, to be paid out of the treasury of the county.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 83.

A N A C T

In relation to the Junction Canal Company, and its claim against the Commonwealth on contract.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That dam number three of the Junction canal company, and the lock thereat, so far as the state of Pennsylvania is interested in, and liable for, the repairing and re-building of the same, under an article of agreement, made the third day of May, one thousand eight hundred and fifty-five, between the governor and canal commissioners of Pennsylvania, of the first part, and the Junction canal company of the state of New York, of the second part, shall hereafter be held and considered a part of the Upper division of the North Branch canal, from Pittston northward; that the state's portion of the expense of repairing or re-building the said dam and lock, or either of them, as provided in said agreement, shall be paid out of the funds appropriated by the legislature for the repairs, et cetera, of the canals belonging to the commonwealth, and that the state treasurer is hereby authorized and required to pay the state's portion of the expenses of re-building said dam number three, after it had been carried away by flood, in the spring of one thousand eight hundred and fifty-seven, amounting to fourteen thousand eight hundred and twenty dollars and ninety-four cents, out of the unexpended balance of the fund appropriated for breaches, et cetera, by the act of eighteenth of May, Anno Domini one thousand eight hundred and fifty-seven.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 84.

A N A C T

Relative to the election of borough officers in the borough of Butler, Butler county, and in New Castle, Lawrence county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, the number of councilmen in the borough of Butler, Butler county, and New Castle, Lawrence county, shall be six; and at the first election held after the passage of this act, the qualified electors of said borough shall elect six councilmen, two of whom shall serve for three years, two for two years, and two for one year, and that annually hereafter, at the spring elections held in said borough, the qualified citizens thereof shall elect two councilmen to serve for three years.

Number of councilmen in the boroughs of Butler and New Castle.

SECTION 2. That in cases of vacancy, created by death, resignation or otherwise, of any member of the said board, it shall be the duty of the burgess to appoint a suitable person to fill such vacancy until the next spring election.

Vacancies, how filled.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 85.

A N A C T

Relating to Bridge Viewers in the county of Mercer.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* in all cases where application may hereafter be made to the court of quarter sessions of Mercer county, for the appointment of viewers to view the site of any bridge, in pursuance of the thirty-fifth and forty-sixth sections of the act of thirteenth June,

LAWS OF PENNSYLVANIA,

one thousand eight hundred and thirty-six, entitled "An Act relating to roads, highways and bridges," it shall be the duty of said court to appoint three viewers instead of six, as heretofore; and any law or acts of assembly repugnant to, or inconsistent with the provisions of this act, be and the same are hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 86.

A N A C T

Relating to Jackson township, in the county of Union.

Preamble.

WHEREAS, By the division of Union county, the greater portion of the territory composing Jackson township fell within the bounds of Snyder county, not leaving fifty voters in the part remaining in Union county; the territory and population being too small and expensive to keep up an organization; therefore,

Jackson annexed
to Union and
Limestone.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the township of Jackson, in the county of Union, as lies east of the farm of Doctor Charles Wilson, be and is hereby annexed to Union township, and all west of that to Limestone township.

Duty of court of
quarter sessions.

SECTION 2. That the court of quarter sessions of Union county shall appoint a surveyor to run the division line between the townships of Union and Limestone, starting at the eastern line of the farm of Doctor Charles Wilson, and to make out an accurate draft of the division line, and file a copy thereof in said court, and the expense of running said line shall be borne by the county of Union.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 87.

A N A C T

To incorporate the Susquehanna Mutual Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That H. W. Tracy, John F. Long, Allen M'Kean, Job Kirby, Daniel Bailey, Stephen Canfield, Justice Lewis, Preceptor Forbes, Isaac Myer, Ezra Holcomb, William Kingsley, Guy Tracy and Joseph Powell, are authorized and empowered, after the passage of this act, to establish an insurance company, to be called and known by the name and title of the Susquehanna mutual insurance company, to be located in Bradford county, with power to establish agencies; which said company shall be organized and managed according to an act to provide for the incorporation of insurance companies, approved the second day of April, Anno Domini one thousand eight hundred and fifty-six, and shall be limited to the risks in the first class in the seventh section of said act, with the right to transact its business on the mutual principle.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 88.

A N A C T

To lay out a State Road in Allegheny and Washington counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William P. Ferree, F. M. Hutchinson, John Young, jr., of Allegheny county, and Lysander Patterson, of Washington county, be and are hereby appointed commissioners to lay out a state road, commencing at Bearce road, Haysville station, Ohio town-Commissioners.

Route.

ship, Allegheny county; thence by way of Kendall's ferry and the cross-roads, at or near Aaron A. Beer's house, in Moon township, Allegheny county, to Canonsburg, in Washington county, who, or any two of whom, shall meet on the first day of June next, or as soon thereafter as possible, and view, lay out and locate a road between said points, at the same grade as is by law provided in the case of township roads, and clearly and distinctly mark the same, after which they shall make out two correct maps or drafts thereof, and file one of the same in the office of the clerk of quarter sessions of each of said counties; whereupon said road shall become a public highway; and any other road or roads near the same, which may become unnecessary by reason of the opening of said road, in the opinion of said viewers, may be vacated by the proper court, on the certificate of said viewers that they are no longer necessary; and it shall be the duty of the respective supervisors to open said road so marked as aforesaid, to the width of forty feet, and keep the same in repair as other highways in said counties.

Duty of commissioners.

Compensation.

SECTION 2. That said commissioners shall receive the sum of one dollar and fifty cents each per day, for every day they shall be necessarily engaged in the performance of their duties, and such assistants as they may employ, not exceeding four, shall receive one dollar a day, to paid from the treasuries of the respective counties, in proportion to the length of road in each county respectively, on orders of the respective county commissioners, who shall adjust their accounts.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The third day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 89.

A N A C T

To incorporate the Numismatic Society of Philadelphia.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Joseph J. Mickley, Arthur G. Coffin, Alfred B. Taylor, Mark W. Collet, William S. Vaux, John Bohlen, Samuel H. Fulton, J. Ledyard Hodge, Montgomery L. Frederick, and their associates and

successors, shall be and they are hereby created and constituted a body corporate, by the name, style and title of the Numismatic Society of Philadelphia; the object of this corporation shall be the collection of coin and medals for the purpose of holding the same for scientific purposes; and the said corporation shall not buy, sell or deal in any coin or money for the purpose of gain; and by that name shall have perpetual succession, shall be able to make contracts relative to the said institution, to sue and be sued, and shall be capable in law and equity of taking, purchasing, receiving, holding and conveying any estate, real, personal or mixed, for the use and benefit of the said society or body politic: *Provided*, That the clear yearly value or income of the estate, real, personal or mixed, of the society, shall not at any time exceed the sum of six thousand dollars.

SECTION 2. That the said society shall consist of resident members, of corresponding members and of honorary members, who shall all be elected under such rules, and upon such terms, as the society may establish; that the right of voting, of holding office, and of transacting business, shall be confined solely to resident members.

SECTION 3. That the officers of the society shall consist of a president, and such other officers as may, in the opinion of the society, be considered necessary and proper for the accomplishment of its objects; that all of these officers shall be elected annually by the society, but if such annual election shall not be held at the stated time, the society shall not thereby be dissolved, but the existing officers shall continue in office until others are elected.

SECTION 4. That it may and shall be lawful for the society to have a common seal, and to change the same at pleasure; and also to establish and put in execution such by-laws, rules and regulations as may be deemed necessary and convenient for the government of the said society: *Provided*, The same are not contrary to this charter, or the constitution and laws of the United States, or of this commonwealth.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 90.

SUPPLEMENT

To an act, approved April eleventh, one thousand eight hundred and fifty-six, entitled "An Act relative to the Sheriffs of this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act of assembly, approved April eleventh, one thousand eight hundred and fifty-six, entitled "An Act relative to the sheriffs of this commonwealth," so far as said act relates to the counties of Crawford and Erie, be and the same is hereby repealed, and that compensation for board of prisoners in those counties, hereafter be fixed by a majority of the judges of the court of quarter sessions: Provided, Such compensation shall not exceed two dollars and fifty cents per week, and that this supplement shall apply to all unsettled accounts for board of prisoners.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 91.

A SUPPLEMENT

To an act to incorporate the Darby and Chester Plank Road and Turnpike.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the terminus of the Darby and Chester plank road shall, from and after the passage of this act, be at Liberty street instead of at Welsh street, in the borough of Chester, and the managers*

of the said plank road company are hereby authorized to make the necessary alterations in the location of the said road.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 92.

AN ACT

To authorize the appointment of an Auctioneer in the borough and township of Wilkesbarre, in Luzerne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the act of assembly, passed the nineteenth day of April, one thousand eight hundred and fifty-six, entitled "An Act to authorize the appointment of an auctioneer in the borough of Pittston, in Luzerne county," be and the same are extended to the borough and township of Wilkesbarre, in Luzerne county: *Provided,* That nothing herein contained shall be so construed as to hinder or prevent the sale of horses, cattle, carriages, second-hand household and kitchen furniture, farming utensils and mechanics' tools, by the owners thereof, or by the executors and administrators of persons deceased.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 93.

AN ACT

To extend the Terms of the Courts in Susquehanna county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* hereafter the judges of the several courts in the county of Susquehanna, may direct the regular quarterly terms of said courts to continue for three weeks, whenever, in their opinion, the business depending in said courts shall require it.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 94.

AN ACT

Relative to the payment of costs of the late Contested Election of Prothonotary in Lancaster county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the court of common pleas of the county of Lancaster, shall determine the amount of compensation to be paid to those who counted the ballots, and the persons who brought in the boxes, as well as the reporter who was directed by the court to take the evidence in the late contested election for prothonotary of said county; and when the costs of said contested election shall be taxed, it shall embrace the costs of subpoena and service, and the above mentioned costs shall be paid by the county, or by the party ordered to pay the costs; and that hereafter in all contested elections in the county of Lancaster, the court shall have

full power to make an order for the payment of costs, including such items as are above specified, in addition to the usual costs.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 95.

AN ACT

Granting privileges and powers to the Western Pennsylvania Hospital, for the purpose of conveying water to the hospital buildings.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Western Pennsylvania hospital be and is hereby authorized and empowered, by and with consent of the councils of the city of Pittsburg, to convey by pipes and conduits from the upper reservoir of said city, a sufficient supply of water for the uses of said hospital; that full power is hereby conferred on said Western Pennsylvania hospital, and its officers and agents, to enter upon private property, or upon any street, lane or alley of said city district, for the purpose of ascertaining the best location for said pipes and conduits, as may be essential to carry into effect the purposes of this act, and also to lay down and maintain in repair said pipes and conduits: *Provided, That* before entering upon private property, it shall be the duty of the court of quarter sessions in and for Allegheny county, on the application of either the said Western Pennsylvania hospital, or any person deeming himself to have suffered, or likely to sustain any damage from the works hereby authorized, to appoint three disinterested citizens, to whom the question shall be referred, the report of whom, or a majority thereof, after confirmation by said court, shall be final and conclusive: *And provided further, That* the amount of said award shall be first duly paid, or secured to be paid, by said Western Pennsylvania hospital.

Powers and privileges.

Provide.

SECTION 2. That no openings, attachments or connections with the pipes and conduits laid down by said Western Pennsylvania hospital, shall be permitted or allowed, unless the consent of the managers of said hospital, and also the consent of the city councils, shall be first had and obtained; that any violation of the provisions of this section shall subject the party offending to

Consent of managers of hospital and city councils to be had.

fine and imprisonment, at discretion of the court of quarter sessions in and for Allegheny county.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 96.

A N A C T

To increase the pay of the County Commissioners and Auditors of Warren county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of an act, entitled "An Act to increase the daily pay of the county commissioners and county auditors of Cambria county," approved the eighth day of April, one thousand eight hundred and fifty-seven, be and the same are hereby extended to the county of Warren.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 97.

SUPPLEMENT

To an act, entitled "An Act authorizing the Town Council of the borough of Tamaqua to construct water works and to borrow money, and to divide said borough into three wards, and authorizing the borough of Middletown to borrow money," approved the second day of April, Anno Domini one thousand eight hundred and fifty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the justices of the peace now in commission, or who may hereafter be elected in the borough of Tamaqua, in the county of Schuylkill, to reside in either of the wards of said borough: *Provided,* That they shall keep their offices in the respective wards for which they shall have been elected.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 98.

A SUPPLEMENT

To an act relating to Elections of Trustees of Athens township, approved the thirteenth day of April, one thousand eight hundred and thirty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for the election of trustees for Athens township, Bradford county, as provided for by the act to which this is a supplement, be and the same is hereby changed from the second Monday in June to the third Friday in January, in each year; and it shall be the duty of the election officers to take charge of the ballots cast for said trustee or trustees, in the same manner as they do those cast for any other township officer, and the person or persons having the highest number of votes shall be duly elected said trustee, to serve for the time fixed by law.

Time of electing
trustees changed

How trustees to
settle accounts.

SECTION 2. That hereafter said trustees shall settle their accounts for all moneys received and expended in the execution of said trust, annually, with the township auditors, whose duty it shall be to enter such settlement at large upon the township book, by the clerk thereof.

Repeal.

SECTION 3. That so much of the act to which this is a supplement, as relates to the election of said trustees and auditors, and to the settlement of said trustees' accounts with such auditors, be and the same is hereby repealed.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 99.

AN ACT

To incorporate the Quarryville and Unicorn Turnpike Road Company, in Lancaster county.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Geo. W. Hensel, Richard C. Edwards, Edwin Garrett, Christopher M. Hess, Joel Smedly, Cornelius Collins, Abner Brown, Daniel Lessur and Jos. Ballance, are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of the Quarryville and Unicorn turnpike road company, with power to construct a turnpike road from Quarryville, in Eden township, by way of Spring Grove and Mechanics Grove, to the Unicorn tavern, in Drumore township, Lancaster county, by the nearest and best route between said points, upon and over the bed of any public roads, or otherwise, as the said company may deem best adapted for said purpose, subject to all the provisions of the act regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

Style.

Route.

Subject to.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of eight hundred shares, at twenty-five dollars each: *Provided,* That said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may be necessary, in their opinion, to carry out the true intent and meaning of this act.

SECTION 3. That whenever fifteen thousand dollars of the capital stock of said company shall have been subscribed, the managers shall have power to commence work on the same: *Commencement.*
Provided, That a majority of the stockholders, at a meeting held for that purpose, shall agree to do so.

SECTION 4. That whenever the said company shall have finished the said turnpike, the length whereof being less than five miles, the same proceedings be had to enable the company to erect gates, and collect toll, as is provided in the aforesaid act of assembly, in relation to any five miles of a turnpike road finished. *Tolls.*

SECTION 5. That the said company shall commence their road within three years, and complete three miles thereof within six years from the passage hereof, otherwise the provisions of this act shall be null and void. *Limitation*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER

No. 100.

AN ACT

To authorize the erection of a Lock-up House in the borough of Harrisville, in the county of Butler.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Harrisville, in the county of Butler, be and they are hereby authorized and empowered to furnish materials, and build, or otherwise provide and support, in said borough, at the expense of said borough, a suitable house for the security and temporary detention of persons committed by justices of the peace or burgess of said borough, or members of the town council, acting in his place, for any violation of the laws of this commonwealth, or of the ordinances of said borough, for which such person or persons could be lawfully committed to the common jail of said county, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence: *Provided,* That no person shall be confined in said house at any one time for a longer period than forty- *Borough of Harrisville to erect a lock-up house. Proviso.*

eight hours, except such persons be charged with an indictable offence, and it be necessary to detain such person or persons for further examination.

Appointment of
keeper.

SECTION 2. That the burgess and town council, or a majority of them, shall have power to appoint a proper person to keep the said lock-up house, and they are hereby empowered to pay such person for such services what the said burgess and town council, or a majority of them, may deem just and proper; said sum to be paid out of the funds of said borough.

Tax.

SECTION 3. That it shall be lawful for the burgess and town council to levy and collect a tax, not to exceed one dollar, on every citizen, over and above their county rates and levies, for borough purposes.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 101.

A FURTHER SUPPLEMENT

To an act, passed thirteenth day of April, one thousand eight hundred and seven, relating to Strays.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the act of the thirteenth day of April, one thousand eight hundred and seven, together with its supplements, relating to strays, be and the same are hereby extended to mules.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 102.

AN ACT

Relative to the Election of Supervisors in the township of East Huntingdon, in the county of Westmoreland.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter the qualified voters of the township of East Huntingdon, in the county of Westmoreland, shall elect four supervisors of roads, under the same regulations and subject to the same provisions as now exist by law, except that of the four persons to be elected at the next ensuing township election two persons shall be elected to serve for the term of one year; two persons to serve for the term of two years; and that at every ensuing township election thereafter two persons shall be elected to the office of supervisor, to serve for the term of two years.

Additional supervisors to be elected.

Term of service.

SECTION 2. That it shall be the duty of the supervisors elected in pursuance of the provisions of the first section of this act, immediately after their organization as a board of supervisors, to divide the township into four divisions, as nearly equal as possible, to be numbered one, two, three and four.

Township to be divided into divisions.

SECTION 3. That at every township election, held after the first ensuing election under the provisions of this act, the qualified voters of said township shall vote for two persons for the office of supervisor, and that each ticket shall be labeled supervisors, together with the number of the divisions for which such persons shall be elected; and that each person so voted for shall be a resident of the division in which, if elected, it shall be his duty to serve.

Elections.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 103.

AN ACT

To change the name of the Philadelphia Cavalry of the First Brigade, First Division, Pennsylvania Volunteers, to that of the Black Hussars.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the officers and members of the Philadelphia Cavalry, attached to the first brigade, first division, Pennsylvania volunteers of the city of Philadelphia, be and they are hereby authorized to change their name, style or title to that of Black Hussars.*

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 104.

A SUPPLEMENT

To an act to incorporate the village of Hyde Park into a borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all of said act, incorporating the said borough of Hyde Park, excepting the first, tenth and twenty-first sections, and so much of the second section as relates to the time, place and hours of holding the borough election, be and the same is hereby repealed; and that said borough shall henceforth enjoy the privileges, and be subject to the limitations and restrictions of the general laws of this commonwealth relating to boroughs.*

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 105.

A N A C T

To incorporate the New Castle Park Association, in Lawrence county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That William J. Hitchcock, George Pearson, junior, J. A. Crawford, J. C. Hanna, F. J. Levis, W. Patterson, G. W. Crawford, Charles Duffy, J. W. Reynolds, W. P. Alcorn, J. M. Crawford, D. Watson, Webster Justice, John S. Pomeroy and Robert H. Peebles, their associates and successors, be and they are hereby created a body politic and corporate in law, by the name, style and title of the New Castle park association, and by that name shall sue and be sued, and shall generally possess the powers and privileges of a corporation, with power to purchase, hold, sell, transfer or lease real or personal property, in their corporate capacity. Corporators.

SECTION 2. That the object of said association shall be to provide, keep and maintain, in the county of Lawrence, grounds and other real and personal estate, of a net yearly value not exceeding five thousand dollars, suitable for gymnastic and other healthful and amusing exercises, and to hold exhibitions in the manner heretofore exercised by the state and county agricultural societies, for the improvement of the breed of horses, cattle and live stock generally, under such arrangements as may be prescribed by the board of directors, and to offer and pay such premiums for stock so exhibited, and their performances, as they may deem necessary to promote the object of said exhibitions: *Provided,* That the right of admission to such exhibitions shall be confined to the annual subscribers authorized by this act, and to all other persons, on such terms as may be prescribed by the by-laws. Objects.

SECTION 3. That so much of the profits of said association as shall be deemed expedient by the directors, shall from time to time be divided amongst the stockholders, but no dividend shall be declared which will impair the capital stock of said association. Dividende.

SECTION 4. That the capital stock of said association shall be six thousand dollars, divided into shares of one hundred dollars each, with the privilege of increasing the same to any amount not exceeding twenty thousand dollars: *Provided,* That two-thirds of the stockholders consent to the same. Capital stock.

SECTION 5. That at all meetings or elections held by said association, the scale of voting shall be as follows: Each share from one to four, shall entitle a member to one vote per share, and each additional four shares shall entitle him to one vote, and voting by proxy shall not be permitted. Votes.

SECTION 6. That said association to have annual subscribers, not exceeding one thousand in number, each of whom shall pay to the treasurer thereof such sum as may be prescribed by the Annual subscribers.

Proviso. board of directors: *Provided*, That no person shall be received as a subscriber under the provisions of this act, without the approbation of the board of directors, and the privileges of a subscriber shall at all times be subject to such rules and regulations as the board of directors may from time adopt.

Officers. SECTION 7. That the officers of the association shall consist of a president, six directors, secretary and treasurer, who shall be elected by ballot, at such time and place, and in such manner, as shall be prescribed by the incorporators or by-laws.

No road or alley to be laid out. SECTION 8. That no public or private road or alley of any kind shall be laid out or opened, in or through the grounds or enclosures occupied by this association for the exhibition of cattle, horses, or other live stock, without the consent of two-thirds of the stockholders thereto.

Power to prohibit prize fighting, &c. SECTION 9. That the said association shall have the right and power to enact and enforce by-laws, prohibiting all prize fighting, betting, gambling of any description, selling, bringing or using intoxicating drinks upon or near the premises of the association,

Proviso. and to eject from the premises all persons committing these, or any other nuisances or disorder: *Provided further*, That the provisions of this section shall apply to any person or persons who shall erect or keep stands, or offer for sale, or exhibit any description of articles near the said premises, which may be deemed by the directors injurious to their exhibitions.

Transfer of stock. SECTION 10. That every original subscriber shall be a member, but no transfer of stock shall confer the right of membership upon the transferee, or entitle him to vote at any meeting or election of said association, except such transfer should be approved of the board of directors, in such manner as the by-laws shall provide.

Assessment upon stock. SECTION 11. That the board of directors of said association shall have the power to assess, upon each share of stock, a sum not exceeding five dollars per annum, and if the same shall not be paid at such time as the board of directors may direct, the privilege of membership of the defaulting member shall be suspended until his assessment shall be paid, and if said assessment shall not be paid within one year after it shall have become due, then (except in case of absence from the United States during the entire period of an assessment year, which shall exempt from the assessment) the share of stock on which said assessment remains due and unpaid, may be forfeited by the board of directors, and sold for the benefit of the association: *Provided*, That at least thirty days' notice shall be given of such assessment, and at least sixty days' notice to a defaulting member, before any sale shall be made.

By-laws. SECTION 12. That the members of said association shall have the right at the first, or any subsequent meeting, to establish and enforce such by-laws for the government of the association, as they may deem expedient, which by-laws shall not be inconsistent with the constitution of the United States, the constitution of this state, or the provisions of this act.

Commissioners to open books. SECTION 13. That John M. Crawford, Webster Justice and William Patterson, shall be and are hereby appointed commissioners to open books and obtain subscriptions to the stock of

said association, at such time and place, and under such regulations as they may deem expedient.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 106.

A N A C T

To fix the place of holding the General and Township Elections in Rush township, Dauphin county.

WHEREAS, The place of holding the elections in the township of Rush, Dauphin county, was by law at school house number three, in said township:

And whereas, There is no such school house; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the general and township elections of Rush township, Dauphin county, shall be held at the house belonging to the estate of the late John M'Allister, deceased, now occupied by David Rineal; and that David Rineal shall be the judge, and John M'Allister and John Gaid, the inspectors, to hold the township election on the third Friday, the nineteenth of March, one thousand eight hundred and fifty-eight. Elections in Rush township fixed. Judge and inspector.

SECTION 2. That the school directors, elected in March, one thousand eight hundred and fifty-six, for two years, and for three years, and the two elected at the house of David Rineal, in March, one thousand eight hundred and fifty-seven, are hereby declared to be the legal school board of said Rush township. School directors.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 107.

A N A C T

Authorizing the Canal Commissioners to examine the claim of John Kelly, Contractor on the Erie extension, Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners be and they are hereby authorized and required to examine the claim of John Kelly, contractor on the Erie extension Pennsylvania canal, and if they find him entitled, by equity and justice, to additional compensation for labor performed under his contract, to report the amount so found, if any, to the Senate and House of Representatives.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 108.

A N A C T

Authorizing the Court of Quarter Sessions of Mercer county to grant a new trial in the case of the Commonwealth against William W. Smith.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the court of quarter sessions of the peace of Mercer county are hereby authorized to enter, if requested by the defendant in the case of the commonwealth against William W. Smith, indicted at April sessions, one thousand eight hundred and fifty-five, for fornication and bastardy, with and upon a certain Sarah Snyder, a rule to show cause why the sentence of the court, and the verdict of the jury, should not be set aside in said case, and a new trial granted; and if said court shall, on hearing, be satisfied that according to the principles which ought to govern in such cases, a new trial should be granted, the said court are hereby*

authorized to make the said rule absolute, and if a new trial be thus granted, the case shall be proceeded in by said court, as soon as practicable, to another trial and final judgment.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 109.

A N A C T

To confer and enjoin upon the County Commissioners of Mifflin county, the duties of Poor Directors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the powers and duties heretofore conferred and enjoined upon the directors of the poor for the county of Mifflin, by the acts of assembly for that purpose made and provided, be hereby conferred and enjoined upon the county commissioners of said county; and that all laws at variance with this act, establishing directors of the poor for said county, or conferring and enjoining powers and duties upon the same, are hereby repealed.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The ninth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 110.

A N A C T

To annex a certain part of White township, in the county of Indiana, to the borough of Indiana.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all of that portion of White township, in the county of Indiana, included within the following boundaries, to wit: Beginning at the south-west corner of the borough of Indiana, and running thence west one hundred and fourteen feet, to the east side of the Indiana branch railroad; thence along the east side of said railroad, in a southerly direction by is several courses, fifty-four perches; thence south eighty-nine degrees east seventy-seven perches, to the west side of the Armagh road; thence north five degrees east thirty and six tenths perches, to the grave yard corner; thence along the line of land of David Ralston, north eighty-nine degrees east two hundred and eight perches, to the line of land of Charles Gompers; thence by said Gomper's line north one and a half degrees east forty perches, to the south-east corner of the borough of Indiana; and thence by the southern line of the borough of Indiana to the place of beginning, be and the same is hereby annexed and attached to the borough of Indiana, in said county; and said described territory shall, from and after the passage of this act, be deemed, taken and allowed to be a part of said borough, and subject to the jurisdiction and government of the municipal authorities of said borough; and the inhabitants of said described territory shall be entitled to all the rights and privileges of citizens of said borough, as fully as if the same had been originally a part thereof.*

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The ninth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 111.

A N A C T

Relative to certain Election Districts in the county of Huntingdon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the qualified electors of the twenty-sixth election district, in the county of Huntingdon, shall vote for judge and inspectors, at the place fixed by law for holding the general elections in said district, and said voters who now vote, in conjunction with the voters of the fourteenth election district, at the place of holding elections in said fourteenth district, for the different township officers of the township of West, in said county, shall vote for such township officers at the place of holding the general elections in said twenty-sixth district, at the time now fixed by law for the election of said officers in said county; and it shall be the duty of the judges of said election districts, in addition to the duties now prescribed by law, to meet in the borough of Petersburg, on the day subsequent to the day of holding said election, and shall make out duplicate returns, under their hands and seals, setting forth in words at length the number of votes given for the several persons, for each township officer voted for at such elections, one of which they shall deposit in one of the ballot boxes in their respective districts, and one other duplicate shall be delivered by them, within five days thereafter, to the clerk of the court of quarter sessions of the said county, to be filed in his office; and the said judges shall also make out a certificate of election for each person chosen as township officer, which certificate shall be delivered to the person so chosen, or left at his usual place of residence by the constable of said township, within five days after such election.

Place of holding elections in certain districts fixed.

Duty of judges.

SECTION 2. The said judges shall receive the same pay for discharging the duty imposed by this act, as they are by law entitled to receive for holding elections.

Compensation of judges fixed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The ninth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 112.

A N A C T

To change the place of holding Elections in Greenwood township, Perry county.

WHEREAS, The elections for Greenwood township, Perry county, are now held in the borough of Millerstown, which is so far from the centre of the township that many of the electors therein are put to great inconvenience to record their votes; that a majority of said township desire to have the place of holding elections changed before the ensuing spring election, and there being no term of the court in said county of Perry until the first Monday of April next; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the place of holding general, special and township elections in Greenwood township, Perry county, shall after the passage of this act, be held at Brandt's school house, in said township.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 113.

A N A C T

Making the borough of Millerstown, in Lehigh county, a separate Election District.

WHEREAS, The borough of Millerstown, in the county of Lehigh, was lately incorporated by the court of common pleas of said county, and no place was set apart for holding the elections in said borough:

And whereas, No court will be held before the third Monday of March; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly*

met, and it is hereby enacted by the authority of the same, That the borough of Millerstown, in the county of Lehigh, shall hereafter be and constitute a district, separate and distinct from the township in which it is situated, for all purposes whatsoever; and the qualified voters residing within the limits of said borough shall hereafter hold their elections at the public house now occupied by Charles H. Knaus, at the times now fixed by law for holding elections in the several wards and boroughs in the commonwealth of Pennsylvania.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 114.

A N A C T

Authorizing the qualified voters of the township of Hanover, in the county of Washington, to elect an additional Supervisor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the qualified voters of the township of Hanover, in the county of Washington, annually to elect three supervisors of roads and highways for said township, at the time and place now fixed by law for the election of supervisors.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 115.

A N A C T

To prevent the Forcible and Fraudulent Crossing of Bridges, without payment of toll.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That if any foot passenger, or any person riding or driving any horse, team of horses, oxen or mules, or asses, or any wagon, carriage or other vehicle drawn by horses, oxen or mules, or driving any drove of horses, mules, cattle, sheep or hogs, shall attempt to cross, without payment of toll, any bridge owned or kept by any incorporated company in this commonwealth, it shall be lawful for the said company, their toll collector or agent, to prevent the said crossing, and to turn the said person or persons back, and to shut the gates of the said bridge, and prevent their passage, until payment of the tolls, legally and justly demandable, shall be paid; and if any person shall force his way across the said bridge, without payment of the proper toll, or shall, with intent to defraud the said company of their just toll, pass by, or attempt to cross the said bridge without payment thereof, he shall be liable to a penalty in any sum not exceeding five dollars, for the use of the said company in which the gate of said bridge may be located; in every such case it shall be lawful for the said company, their toll collector or agent, to procure a warrant, in the name of the commonwealth, from any justice of the peace, for the arrest of the person so offending, authorizing the said toll collector or agent, or any constable, to arrest and bring him before the said justice, and on a hearing of the case the said justice, if the facts shall warrant it, shall give judgment against him for the said penalty, and issue process to collect the same; in any such prosecution the said toll collector or agent shall be a competent witness to prove the facts; nothing herein contained shall be construed to repeal any special provisions contained in the charter of any incorporated bridge company relative to the collection of tolls, or to the prevention or punishment of forcible or fraudulent crossing: *Provided*, That the foregoing penalty shall not be imposed upon any person who shall have failed to pay his or her toll, by reason of the absence of the proper person to receive it.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 116.

A N A C T

To extend the provisions of an act, entitled "An Act to increase the pay of County Commissioners, Jurors and Witnesses, in certain counties of this Commonwealth," approved the twentieth day of March, one thousand eight hundred and fifty-seven, to certain other counties of this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That an act, entitled "An Act to increase the pay of county commissioners, jurors and witnesses, in certain counties of this commonwealth," approved the twentieth day of March, one thousand eight hundred and fifty-seven, be and the same is hereby extended to the counties of Carbon, Lehigh, Schuylkill, Erie, Tioga and Fayette.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 117.

A N A C T

Extending the Sheriffs' Interpleader Act of Philadelphia city and county, to the several counties of this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That section nine of an act, entitled "An Act extending the chancery powers of and to the jurisdiction and proceedings in certain courts," approved the tenth day of April, one thousand eight hundred and forty-eight, and also section first of an act, entitled "An Act relative to sheriffs' sales, and to the appointment of trustees in the county of Philadelphia, and to the appointment of trustees; incorporating the First Presbyterian church of Pottstown, Montgomery county, and changing the venue of a certain

LAWS OF PENNSYLVANIA,

suit in Huntingdon county," approved the tenth day of April, one thousand eight hundred and forty-nine, be extended to the several counties of this commonwealth; and that the court of common pleas of each county, and the various district courts, shall have the same jurisdiction and powers which the courts of the city and county of Philadelphia have by virtue of said sections: *Provided*, That when the proper court shall not be in session, a judge thereof shall have power, at chambers, to grant a rule to show cause, returnable to the next session of said court.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 118.

A N A C T

To change the place of holding the Township Elections in Guilford township, in the county of Franklin.

WHEREAS, The school house in the township of Guilford, in the county of Franklin, at which the elections for said township were held, has been pulled down and removed:

And whereas, There is now no place in said township set apart for holding such elections; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That hereafter the qualified electors of the township of Guilford, in the county of Franklin, shall hold their township elections at the house occupied by David Hepfer, in the village of New Franklin, in said township.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 119.

A N A C T

For the relief of Rosanna Smith, the widow of an old soldier.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the state treasurer be and he is hereby authorized to pay to Rosanna Smith, of Westmoreland county, widow of John A. Smith, deceased, a soldier of the Indian war, a gratuity of forty dollars, and an annuity of forty dollars, during her life, payable half yearly, and dating from the first day of January, Anno Domini one thousand eight hundred and fifty-eight.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER

No. 120.

A N A C T

To repeal a supplement to an act providing for the election of District Attorneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the act of assembly, approved the twenty-seventh day of April, Anno Domini one thousand eight hundred and fifty-seven, entitled "A supplement to an act providing for the election of district attorneys," be and the same is hereby repealed, and all appointments made under and by authority of the said act shall cease and terminate after the expiration of the term for which the said district attorneys have been appointed: *Provided, That*

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nothing herein contained shall invalidate any of the proceedings already had under said act.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 121.

A N A C T

To Consolidate certain Funds in the hands of the Directors of Public Schools in the township of Newtown, and county of Bucks.

WHEREAS, An act was passed by the legislature of Pennsylvania, in the year one thousand eight hundred and twenty-eight, authorizing the people of the township of Newtown, and county of Bucks, annually to elect five persons as a school committee, to receive and hold certain moneys from the sale of the Newtown common lots, to invest the same, and to use the interest arising from the same to promote the cause of education in said township:

And whereas, Another act was passed by the legislature of Pennsylvania, in the year of one thousand eight hundred and fifty-two, securing certain other moneys from the sale of the Bucks county academy, at Newtown, to the board of directors of public schools of the township of Newtown:

And whereas, The common school system has now happily superseded the old plan of education in this commonwealth:

And whereas, A petition from the school committee, school directors and citizens generally in the township of Newtown, prays for an act to abolish the election of said school committee, and for the consolidation of these funds in the hands of the directors of public schools in the township aforesaid; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the election of said school committee be abolished, that all the funds now in the hands of the treasurer of the school committee aforesaid shall, upon the passage of this act, be paid over to the treasurer of the board of directors of public schools of the township of Newtown, and that the same, together with the other funds from the sale of the Bucks county academy, at Newtown, shall be invested from time to time, under the direction

of the directors aforesaid, in good and sufficient securities, and the interest annually arising from the same be used by the directors for promoting and sustaining the public schools in the township of Newtown aforesaid: *Provided however*, That all issues, rents, remainder, et cetera, arising from certain sales of the future, be paid over to the treasurer of the board of school directors of the township of Newtown, instead of the treasurer of the school committee aforesaid.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 122.

AN ACT

To provide for the election of School Directors in the Independent school district of East New Castle, Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be lawful for the qualified voters of the independent school district of East New Castle, (erected out of parts of Shenango and Neshanock districts, Lawrence county, Pennsylvania,) to hold an election in the south-east room of the court house, on the third Friday of March next, and on the same day each year thereafter, for the purpose of electing two school directors, as required by the fifth section of the general school law, passed the eighth day of May, one thousand eight hundred and fifty-four; and the said qualified voters are also hereby authorized, between the hours of eight o'clock and ten o'clock, A. M., on the same day and at the same place, to elect one judge and two inspectors, whose duty it shall be to hold said election: *Provided*, That if at any time after the passage of this act a township should be erected out of parts of Neshanock and Shenango townships, with the same boundaries that limit the independent school district, and but one place be provided for holding elections within the same, then the powers hereby conferred shall cease, and school directors for said independent district thereafter shall be elected in the usual manner.

East New Castle
school district,
election of direc-
tors in.

Proviso.

SECTION 2. That for the purpose of erecting a suitable school house in said independent district, the school directors are hereby authorized to borrow money at a rate of interest not exceeding

Directors autho-
rized to borrow
money.

Proviso.

six per cent., and issue bonds therefor in sums not less than one hundred dollars each: *Provided*, That the total indebtedness incurred by the directors of said district shall at no time exceed three per centum of the assessed value of the real estate of said district.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 123.

AN ACT

To repeal the first three sections of an act authorizing the appointment of an Auctioneer or Auctioneers in the borough of Easton, and for other purposes, approved the eleventh day of April, one thousand eight hundred and fifty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the first, second and third sections of an act, entitled "An Act authorizing the appointment of an auctioneer or auctioneers in the borough of Easton, and relative to the claim of Samuel Rice, of Chester county; to incorporate the Art Union of Philadelphia; relative to short measure and weight in the sale of dry goods and groceries, and to the fees of the sheriff of Philadelphia county," approved the eleventh day of April, one thousand eight hundred and fifty, be and the same are hereby repealed: Provided, That the said second and third sections shall remain and continue in force until the expiration of any commission or commissions heretofore granted and yet unexpired, but no longer.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 124.

AN ACT

Relating to the High Constable of the borough of Berwick, in the county of Columbia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* hereafter the high constable of the borough of Berwick, in the county of Columbia, who is now or may hereafter be elected for said borough, shall be sworn in and qualified in court as other constables of said county, and shall have all the powers and be subject to all the provisions of law relating to other constables of this commonwealth.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 125.

A FURTHER SUPPLEMENT

To an act authorizing the Governor to incorporate the Mahoning, Kittanning and Freeport Turnpike Road Company, and for other purposes, approved the second day of April, one thousand eight hundred and thirty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Kittanning bridge company shall have full power and authority to use and occupy, as a toll-house to the Kittanning bridge, the house erected by them near the eastern end of said bridge, and also to maintain, repair and re-build the said house for the purposes aforesaid, and also to connect the same with said bridge

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by such improvements as the said company may deem necessary.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 126.

AN ACT

To authorize the appointment of an additional Notary Public, to reside in the borough of Jersey Shore, in the county of Lycoming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the governor of this commonwealth be and he is hereby authorized to appoint one additional person as notary public for the county of Lycoming, to reside in the borough of Jersey Shore, in said county.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 127.

AN ACT

Establishing the place for holding Elections in the township of Carbondale.

WHEREAS, The place of holding the election in the township of Carbondale has been consumed by fire, and it is necessary, in

order to enable the citizens of said township to hold their spring election, to appoint a place therefor, and no term of the court of the county of Luzerne intervening the term for holding said election; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act the legal place of holding the elections for the election district of the township of Carbondale, shall be at the Harrison house, in the city of Carbondale.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 128.

AN ACT

Changing the time of commencing the February term of the courts of Montgomery county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* hereafter the February term of the several courts of Montgomery county now commencing on the third Monday of February, shall commence on the fourth Monday of February, in each and every year, to continue two weeks, unless otherwise ordered by the court at the preceding term.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 129.

AN ACT

To incorporate the Millerstown and Sheimersville Turnpike Road Company of Lehigh county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners. John Mattarn, John Singmaster, Harrison Miller, Henry Neimoyer, Benjamin Jarrett, Charles Foster, Aaron Erdman, Reuben Stahler, Charles Sheimer, James Singmaster, Charles Krouse, J. S. Evans, Samuel Rittenhouse, Solomon Ohl, J. P. Haus, Henry Diefenderfer, Martin Ritter, or any five of them, be and they are hereby appointed commissioners to open books, receive

Style. subscriptions and organize a company by the name, style and title of the Millerstown and Sheimersville turnpike road company, to

Route. construct a turnpike from the county bridge at Millerstown to intersect the Lehigh and Berks County turnpike leading to Philadelphia, at Sheimersville, with the privilege of making the ne-

Subject to. cessary widening and straightening of the old road, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the several supplements thereto.

Capital stock. **SECTION 2.** That the capital stock of the said company shall consist of fifty shares, of twenty dollars each, and by a vote of the stockholders, at a meeting called for the purpose, may be increased to one thousand shares, if the same shall be deemed necessary to carry into effect the true intent and meaning of this act.

Limitation. **SECTION 3.** That if said corporation shall not commence the construction of said road within two years, and complete the same within ten years from the passage of this act, this act shall be null and void, except so far as the same shall be necessary to wind up the affairs and pay the debts of the company: *Provided,* That whenever one or more miles of said road shall be completed and approved of, as is provided by the said general act, and the supplement thereto, the said corporation shall be authorized to take toll thereon.

Tolls.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 130.

A SUPPLEMENT

To an act incorporating the borough of Alexandria, in Huntingdon county.

WHEREAS, The act incorporating the borough of Alexandria, in Huntingdon county, passed April eleventh, one thousand eight hundred and twenty-seven, does not provide properly for the election of election officers, nor for their compensation; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the qualified citizens of the borough of Alexandria, in Huntingdon county, shall be authorized to elect, on the third Friday in March, one thousand eight hundred and fifty-eight, and annually thereafter, one person for judge and one person for inspector to hold said borough election; and that they, together with clerks, shall each receive one dollar per diem as compensation, to be paid, as other moneys, by orders drawn on the treasurer, signed by the burgess.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 131.

AN ACT

To change the time of holding the Election for the borough of Leechburg, Armstrong county.

WHEREAS, The time now fixed by law for holding the election of the borough of Leechburg, Armstrong county, occurs during the regular session of the several courts of the said county, to the great inconvenience of the citizens; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the time for holding the said borough election hereafter, shall be

LAWS OF PENNSYLVANIA,

on the last Friday of February, under the same laws and regulations as now exist for conducting said election.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 132.

A SUPPLEMENT

To an act to incorporate the Limekiln Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall and may be lawful for the president and managers of the Limekiln turnpike road company to collect and receive of and from all and every person or persons using said road, the same tolls for oxen and mules, when drawing burdens, as for horses, and that it shall and may be lawful for said company to charge one cent a horse, in each and every case where toll is at all liable, under existing law, to be charged, and that all fractions of miles may be charged for as miles; and in all cases where loads of four tons burden, and upwards, are drawn upon said turnpike road, exclusive of weight of wagon, it shall and may be lawful to charge and receive double rates of toll therefor: Provided however, That said company shall not receive or charge any tolls for fractions less than one-fourth of a mile.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 133.

A N A C T

Authorizing the Canal Commissioners to examine the claim of John S. Miller.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners are authorized and required to examine the claim of John S. Miller, late contractor on the new Allegheny Portage railroad, and report what amount they find to be due to him for work, extra work, and work at hill slide, and increased compensation upon work performed by him, and report the same, with the facts in the case, to the legislature.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 134.

A FURTHER SUPPLEMENT

To an act incorporating the Bedford Mineral Springs Association, approved seventeenth March, Anno Domini one thousand eight hundred and fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the president and directors of the Bedford mineral springs company, by and with the consent of a majority of the stockholders thereof present at a meeting to be convened for that purpose, by said president and directors, after two weeks' notice in two newspapers published in the city of Philadelphia, and one in the borough of Bedford, the object of said meeting being fully set forth in said publication, shall have authority to create and issue one thousand shares of stock of the par value of fifty dollars a share, the same, or the proceeds thereof, to be used for the payment, settlement or funding of their floating debt due and*

Authorized to
issue preferred
stock.

becoming due ; which stock so issued shall be deemed and taken as preferred stock, if the stockholders shall have so decided, and shall be first paid a dividend of seven per centum per annum, if the profits of the current year shall be sufficient for the purpose, before any dividends shall be paid on the other stock of the said company.

To elect addition-
al directors. SECTION 2. That the president and directors of the said company, with the consent of a majority of the stockholders thereof, shall have authority to elect three additional directors, and if it shall be so determined, then the said president and directors shall elect three additional directors, who shall serve until the next annual election.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 135.

A N A C T

To establish the Orangeville Male and Female Academy, in the county of Columbia.

School estab- lished.	SECTION 1. <i>Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,</i> That there shall be and is hereby established in the village of Orangeville, in the county of Columbia, an academy or public school for the education of youth in the English or other languages, and in the useful arts, sciences and literature, by the name, style and title of the Orangeville male and female academy; the said academy to be under the direction, management and government of a board of trustees not exceeding seven in number, a majority of whom shall form a quorum for the transaction of business; and the said trustees, and their successors, shall be and they are hereby erected, established and declared to be a body politic and corporate, with perpetual succession, with all the incidents of a corporation, in deed and in law, to all intents and purposes whatsoever, by the name, style and title of the Orangeville male and female academy, by which name and title the said trustees and their successors shall be able in law and equity to take to themselves and their successors, for the use of the said academy, any estate, messuages, lands, tenements, hereditaments, goods,
Name.	
Trustees.	
Powers.	

chattels, moneys, or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any person or persons whatsoever, and the same messuages, lands, tenements, hereditaments, goods, chattels, moneys and estates, real or personal, to grant, bargain, sell, convey, assure, demise, and to farm let, or otherwise dispose of or invest, in such manner as to them, or a quorum of them, shall seem most beneficial to the institution, and to receive the rents, issues, profits, income and interest of the same, for the use of the said academy, and by the same name to sue and be sued, prosecute and defend, implead and be impleaded in any courts of law or equity, and in all manner of suits and actions whatsoever, and generally by and in the same name to do and to transact all and every business touching, as fully and effectually as any natural person has power to manage his own concerns: *Provided*, That the quantity of land held by said corporation shall not be other or greater than necessary for the purposes of said academy. Proviso.

SECTION 2. That the said trustees shall cause to be made for their use one common seal, with such devices and inscriptions thereon as they shall think proper, and therewith all deeds, certificates and acts of said corporation shall be authenticated, and the same seal the said trustees may at their pleasure break and alter, and also, if they think proper, devise a new one. Seal.

SECTION 3. That Hiram R. Kline, Abner Welch, James Patterson, Samuel Achenbach, George H. Lott, Emanuel Lazarus and James S. Woods, are appointed trustees of said corporation, who shall have power to fill all vacancies which shall occur in their body, and on the last Saturday in the month of December, one thousand eight hundred and fifty-seven, at which time, and on the same day of each year annually thereafter, the stockholders of said academy shall elect by ballot, by a majority of the votes present, to be given in person or by proxy duly authorized, seven trustees, instead of those above named, who shall continue in office for one year, or until others are duly chosen and qualified; the said board of trustees shall always and at all times have power to fill vacancies in their body, as above mentioned, and no person shall be permitted to serve as trustee who is not a shareholder in said institution; and the said trustees shall, on their first meeting after every subsequent election, choose out of their number one person to act as president, one person to act as secretary, and one treasurer, who shall serve as such during said year, and until others are appointed by said trustees: *Provided*, That no person shall have more than five votes at any election, whatever number of shares he or she may be entitled to, and that each stockholder shall be entitled to one vote for each share of stock by him or her held under said number: *And provided*, That such election may be held at the place, and conducted according to the rules that may be prescribed by the by-laws and ordinances of said academy. Trustees appointed.

Election.

Vacancies, how filled.

Officers.

Votes.

SECTION 4. That the said trustees herein named are hereby authorized to open books, on or before the first Saturday of May next, and enter therein as follows: We whose names are hereunto subscribed do promise to pay to the trustees of the Orangeville male and female academy, the sum of ten dollars for every share of stock set opposite to our respective names, in such man- Trustees to open books, receive subscriptions to stock, &c.

ner and proportions, and at such time or times as shall be required by said trustees, the whole of said stock by each of us subscribed, to be paid within one year from the time of subscribing the same; and shall thereupon proceed to receive subscriptions for the stock of the said corporation, not exceeding in the whole the sum of five thousand dollars, divided into shares of ten dollars each, at such times and places as they may deem advisable; and it shall be lawful for any person or body politic or corporate to subscribe for as many shares as he, she or they may think proper, he, she or they paying, at the time of subscription, to the attending trustees, one dollar for every share of stock subscribed.

Stock.

SECTION 5. That the said trustees shall procure written or printed certificates, and deliver to each stockholder a certificate, signed by the president of the board of trustees, countersigned by the secretary, and sealed with the seal of the said corporation, for the share or shares of stock by him, her or them held or subscribed, upon the payment to the treasurer of the full sum due thereon, and such certificate of stock shall be transferable at pleasure, in person or by attorney, in presence of the president or treasurer of said corporation; and the assignee holding any certificate, first having caused the assignment to be entered on the book to be kept for that purpose by the said trustees, shall be deemed a member of the said corporation, and entitled to all the rights and privileges of an original subscriber to said stock.

When buildings
to be erected.

SECTION 6. That as soon as in the opinion of said board of trustees a sufficient amount of stock is subscribed, the trustees herein named, or their successors, shall erect or cause to be erected in a substantial and workmanlike manner, such building or buildings of brick, stone or other materials as they may deem necessary and proper, to be located by them in some suitable and convenient place in the village of Orangeville, in the county of Columbia aforesaid.

By-laws.

SECTION 7. That the said trustees shall have power to enact such ordinances and by-laws, not inconsistent with the laws and constitution of the United States, or of this commonwealth, as may be necessary and proper for the government of said academy.

Quorum

SECTION 8. That a majority of the board of trustees shall form a quorum, who in the absence of the president may appoint a president pro tempore.

Trustees to re-
ceive subscrip-
tions, &c.

SECTION 9. That said trustees shall be authorized to receive subscriptions, in sums of any amount, for the purpose of purchasing real estate, books, philosophical apparatus, or other property necessary for the affairs of the said corporation, and to give such subscribers, provided the subscription amounts to ten dollars, a certificate, under the seal of said corporation, which certificate shall constitute the holder thereof a shareholder; and the said trustees may, if they deem it expedient, after having collected and received the rents and compensation for the real and personal estate belonging to said corporation, to divide rateably among the shareholders, after having first deducted all necessary charges and expenses for repairs, taxes, and the due management of said academy.

Misnomer.

SECTION 10. That no misnomer of said corporation shall defeat or annul any gift, grant, devise or bequest to the said corpora-

tion: *Provided*, That the intent of the parties shall sufficiently appear in said gift, grant, will or other writing, whereby any estate or interest, in any thing real or personal, was intended to pass to the said incorporation.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 136.

A N A C T

For the appointment of an additional Notary Public at Wilkesbarre, Luzerne county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the governor be and he is hereby authorized and empowered to appoint one additional notary public for the commonwealth, to reside in Wilkesbarre, in the county of Luzerne.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 137.

A SUPPLEMENT

To an act relative to the Assessment and Collection of Taxes in the city of Pittsburg, approved March seventh, Anno Domini one thousand eight hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the proviso to section second of an act, approved March seventh, one thousand eight hundred and forty-six, entitled "An Act relative to the assessment and collection of taxes in the city of Pittsburg," be and the same is hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 138.

A FURTHER SUPPLEMENT

To the act to incorporate the Eclectic Medical College of Pennsylvania, passed February twenty-fifth, one thousand eight hundred and fifty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the corporators of the Eclectic Medical college of Pennsylvania be and they are hereby authorized to raise by loan, or otherwise, a sum of money not exceeding thirty thousand dollars, and to expend the same in the purchase of a lot of ground, and the erection thereon of a suitable building or buildings, for the accommodation of the said college; the said Eclectic Medical college of Pennsylvania shall have power to issue certificates of indebtedness to such persons as may advance or loan moneys for the said purpose, in such sums as may be agreed upon, of not less than one hundred dollars each, with interest for the same, at such rates as may be agreed upon, not exceeding six per centum per annum; and the said loan shall be redeemable

May borrow money and issue certificates of indebtedness.

at such time and in such manner as the said corporators, and the persons loaning the said moneys, shall agree: *Provided*, That Proviso. the said lot and buildings shall be liable for all debts contracted, for the purchase money, and for the erection of said buildings.

SECTION 2. That the said corporators of the Eclectic Medical college shall be permitted, at any time, to increase the number Corporators may be increased. of the corporators of the college to fifteen.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 139.

A SUPPLEMENT

To an act relating to Embezzlement.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the tenth section of the act, entitled “An Act relating to the election of county treasurers, and for other purposes,” approved the twenty-seventh day of May, Anno Domini one thousand eight hundred and forty-one, be and the same is hereby extended to the treasurers of gas companies, water companies, turnpike road companies, and bridge companies, and that a refusal of any such treasurer to pay any dividend, when due and payable, on demand of any person lawfully entitled to receive the same, shall be deemed, adjudged, and held to be such embezzlement.

A. BROWER LONGAKER,
Speaker of the House of Representatives

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 140.

AN ACT

To incorporate the North and South Whitehall Turnpike Road Company,
in Lehigh county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Daniel App, Benjamin Breinig, John Erdman, Thomas Ruch, Moses Shaadt, David Ruch, John Minnich and Martin A. Seiple, or any three of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of the North and South Whitehall turnpike road company, with power to construct a turnpike road on the road leading from Allentown to Mauch Chunk, beginning at Jetter's ore bed, now called Ironton, to a station on the Catasauque and Foglesville railroad, called Seiple's station, with the privilege to sell capital stock to extend it to Allentown, its breadth not to exceed thirty-three feet, subject to all the provisions and restrictions, and with all the powers and privileges contained in an act regulating turnpike road companies, approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the supplements thereto.

Style. SECTION 2. That the capital stock of said company shall consist of two hundred and fifty shares, at fifty dollars per share.

Route. SECTION 3. That if said company shall not commence the construction of said turnpike road within two years, and complete the same within five years, from and after the passage of this act, this act shall become null and void, except so far as may be necessary to settle up the affairs of the company.

Subject to.

Capital.

Limitation.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 141.

A N A C T

To protect Fruit in Potter, Centre and Elk counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the first and second sections of the act to protect fruit and punish trespass in certain counties in this commonwealth, and for other purposes, approved the thirteenth day of April, Anno Domini one thousand eight hundred and fifty-three, be and are hereby extended to the counties of Potter, Centre and Elk.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 142.

A N A C T

To change the place of holding the Elections in the township of Greenfield,
in the county of Luzerne.

WHEREAS, The person at whose house the elections were formerly held for the township of Greenfield, in the county of Luzerne, has removed from the state, and the judges and inspectors of elections for said township have received notice that under no circumstances will the present owner permit the holding of elections at the house formerly occupied by the said William Kilmer, and said notice having been given at a period too late to bring the matter before the court, as no term intervened before the spring election; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters of the township of Greenfield, county of

LAWS OF PENNSYLVANIA,

Luzerne, shall hereafter hold their general, special and township elections at the house of Jamin Goodrich, jr., in said township.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 143.

A N A C T

Providing for the payment of amount due Alfred Hine upon his account as Treasurer of Wyoming county.

WHEREAS, Upon books in the auditor general's and state treasurer's departments, it appears that A. Hine, former treasurer of Wyoming county, has overpaid his indebtedness to the commonwealth, as such, the sum of ninety-eight dollars and sixty-three cents; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer be and he is hereby authorized to pay to Alfred Hine, or to his order, the sum of ninety-eight dollars and sixty-three cents from moneys in the treasury not otherwise appropriated.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 144.

A N A C T

Requiring Supervisors and Overseers of the Poor in Conyngham township,
Columbia county, to give security.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the supervisors and overseers of the poor in the township of Conyngham, in the county of Columbia, shall before entering upon the duties of their respective offices, give bond with sureties to the satisfaction of the township auditors of the same township, conditioned for the faithful performance of the duties of their respective offices, for a just account of all moneys that may come into their hands by virtue of their said offices, for the delivery to their successors in office of all books, papers, documents and other things held in right of their offices, and for the payment of any balance of money belonging to the township that may remain in their hands. Supervisors and overseers to give bond, &c.

SECTION 2. That it shall be the duty of the township auditors of said township to return a copy of such bond to the prothonotary of the county, before the meeting of the term of court of quarter sessions next succeeding such election; and in case any person elected to said offices of supervisors or overseers of the poor shall neglect or refuse to enter upon the duties of his said office, and give bond as aforesaid, previous to said term of court, it shall be the duty of said court to appoint suitable persons to fill any such vacancies, and to take bonds for the faithful performance of the duties thereof. Copy of bond to be returned to prothonotary.

Vacancies, how filled.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 145.

A N A C T

Relating to Public Roads in Union county.

Relative to view-
ers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* so much of the law as requires viewers, appointed to view and lay out public roads, or make any change in the location of public roads, to procure from the persons through whose lands such location may be made, releases for all claims of damages that might arise from the opening of the same, and in every case where said viewers shall fail to procure such releases, and it shall appear to them that any damages will be sustained, to assess such damages, be and the same is hereby repealed, so far as relates to the county of Union.

Manner of assess-
ing damages.

SECTION 2. That so far as relates to the county of Union, the owner of any lands through which a public road may be opened, who shall claim damages, shall have such damages assessed in the same manner as provided for by the seventh section of the act of thirteenth of June, one thousand eight hundred and thirty-six, entitled "An Act relating to roads, highways and bridges," except that the viewers shall be three instead of six.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 146.

A N A C T

Supplementary to the act Consolidating the City of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* for all breaches of the ordinances of the city of Philadelphia, where the penalty demanded is fifty dollars, and upwards, ac-

tions of debt shall be brought in the corporate name of the city of Philadelphia, and the provisions of the act of May seventh, Anno Domini eighteen hundred and fifty-seven, so far as inconsistent herewith, are hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 147.

A FURTHER SUPPLEMENT

To an act, entitled “An Act to incorporate the Lackawanna and Bloomsburg Rail Road Company,” approved the fifth day of April, Anno Domini one thousand eight hundred and fifty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the board of directors of the Lackawanna and Bloomsburg railroad company to issue ten thousand shares of stock, in addition to the capital stock authorized by existing laws, which additional shares shall be in sums of fifty dollars each, and that it shall be lawful for the said directors, by resolution of their board, to provide for and secure to the subscribers and holders of such additional shares of stock such preference over the subscribers and holders of the stock heretofore issued, as to the said directors shall appear to be expedient: *Provided,* May issue preferred stock. That before any of such additional shares of stock shall be issued to parties not subscribers or holders of said stock heretofore issued, it shall be the duty of said directors to cause notice to be given, by publication, once a week during four successive Publication. weeks, in one newspaper in the county of Luzerne, in one newspaper in the county of Columbia, in one newspaper in the city of Philadelphia, and in one newspaper in the city of New York, that the holders of the said stock heretofore issued shall have the Stock heretofore issued. privilege, until such time as shall be fixed by the said directors, of subscribing for their due and proper proportions of the said ten thousand additional shares hereby authorized; and if at the expiration of the time fixed as aforesaid, such additional shares, or any portion thereof, shall not have been subscribed by the holders of the said stock heretofore issued, the said directors may then dispose of and issue the same to other parties: *And*

provided also, That upon the books of the said company, and in the certificates to be issued for the said additional shares, the same shall be distinctively classed and designated as "preferred stock:" *And provided also*, That it shall be lawful for the said directors, in addition to the preference as to dividends, profit or interest which they may give to the subscribers and holders of the said additional shares of stock, to provide for the future payment, liquidation and cancellation thereof: *And provided also*, That subscribers and holders of the said additional shares of stock shall be entitled to vote at meetings of stockholders, and for officers of the said company, and shall enjoy, in all respects, all the rights and privileges of holders of the said stock heretofore issued.

SECTION 2. That it shall be lawful for the said directors also to borrow any sum or sums of money not exceeding five hundred thousand dollars, for purposes specified in the act incorporating the said company, and in the supplement thereto, and to issue bonds or certificates of loan therefor, with or without coupons attached, and the said directors may direct and provide for the securing of said bonds or certificates by mortgage of the property and franchises of the said company: *Provided*, That no bond or certificate shall be issued for a sum less than one hundred dollars; that the interest payable on said bonds or certificates shall not exceed seven per centum per annum; that the said directors may fix the time for the payment and redemption of the said bonds or certificates; that no plea of usury shall in any case be interposed against the payment of any indebtedness of the said company authorized by this act, and that nothing in this act contained shall be taken to interfere with or affect the rights of the holders of the bonds of the said company, issued or to be issued under the provisions of the act passed the third day of March, Anno Domini one thousand eight hundred and fifty-three, or to impair the lien created for their benefit.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 148.

A N A C T

To annex part of Chartiers township to Canonsburg district for school purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the territory within the bounds herein described, viz: Commencing at the mouth of Brush run, thence up said run to the bridge near William Moore's and Mrs M'Nary's; thence south-west to the mouth of James Valentine's lane, south-east of his house; thence south-west to a run near and east of John Weaver's barn; thence down said run to Chartiers creek; thence down said creek to the place of beginning, not now within said school district, shall be attached to and from part of Canonsburg district, Washington county, for school purposes, and shall be for said purposes under the jurisdiction and control of the board of directors of said Canonsburg school district, and all school tax within said territory shall be levied, collected and disbursed, and the schools administered in like manner, and by the same authority, as in said Canonsburg school district.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 149.

A N A C T

To change the place of holding Elections in Drumore township, Lancaster county.

WHEREAS, The building in which the elections of Drumore township, in the county of Lancaster, have heretofore been held, has been torn down, and no court will intervene between this and the time fixed for holding said election, by which a new place can be appointed; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the place of holding the general and township elections of Drumore township, in the county of Lancaster, be changed from the public house now occupied by Barbara Johnson, in the village of Chestnut Level, and that the same shall be held in future at the old stone school house, known as Number Two school house, in the village of Chestnut Level.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 150.

AN ACT

Relating to the Scott Infantry, organized under the Act of Assembly of seventeenth April, one thousand eight hundred and forty-nine, at Huntingdon Furnace.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the volunteer company organized under the provisions of the act of assembly of seventeenth April, one thousand eight hundred and forty-nine, at Huntingdon Furnace, in the county of Huntingdon, shall hereafter have power, and be enabled to sue and be sued in the name of the Scott Infantry: Provided, That this act shall only apply to existing debts.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 151.

A N A C T

Relative to the Delaware Academy, in the county of Pike.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Martin W. Dingman, Joseph Lattimore and Cornelius M'Carty, of Delaware township, in the county of Pike, be and they are hereby declared trustees of the Delaware academy in said county; and they are hereby authorized to convey, by deed, to the board of directors of the common shools of the said township of Delaware, the lot of ground, and buildings thereon erected, known as the Delaware academy, and all the property, real and personal, of said corporation, to be used by the said board for a common school.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 152.

A N A C T

Authorizing the Canal Commissioners to examine the claim of Daniel A. Bardwell.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the canal commissioners be and they are hereby authorized and required to examine the claim of Daniel A. Bardwell, of Wyoming county, and report what amount, if any, they find to be due him for land and quarry damages sustained by him by reason of the construction of the North Branch extension of the Pennsylvania canal, and report the same to the legislature; and further, to

LAWS OF PENNSYLVANIA,

inquire whether he has released the commonwealth from the payment of damages.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 153.

A N A C T

To authorize the Board of Canal Commissioners to examine the claims of Thomas Morley, for damages sustained on the North Branch extension of the Pennsylvania Canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners be and they are hereby authorized to examine and report upon the claims of Thomas Morley, for damages to his property, sustained in the building of the North Branch extension of the Pennsylvania canal, and whether he has released the commonwealth from the payment of damages.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 154.

A N A C T

Authorizing the examination of the claim of Samuel Coolbaugh.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the canal commissioners be and they are hereby authorized and required to examine the claim of Samuel Coolbaugh, of Wysox township, Bradford county, under the provisions of the act of the nineteenth of April, Anno Domini one thousand eight hundred and fifty-three, providing for the settlement of claims against the commonwealth, and to report the same to the legislature, and ascertain whether he ever released the commonwealth from the payment of damages.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 155.

AN ACT

To authorize the Canal Commissioners to examine the claim of William Hart.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the canal commissioners be and they are hereby authorized to examine the claim for damages for William Hart, of Chester county, for injuries sustained by him while in discharge of his duties in the employ of the commonwealth, as fireman on the Columbia railroad, and report the amount, if any, to the legislature.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 156.

A N A C T

To incorporate the Bedford and Saint Clairsville Turnpike Road Company.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Nicholas Lyons, David Patterson, Job Mann, E. L. Anderson, John Cessna, W. T. Daugherty, Alexander King, Samuel Carney, William Smith, Jacob Zimmers, William C. Wisegaver, James A. Anderson, E. B. Trout, Asa Sellers, Frederick Berkheimer, Michael Holderbaum, Frederick C. Beegle, Peter Amrich, John Ake, George Hoenstine, Samuel G. Statler and Samuel Sill, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of the Bedford and Saint Clairsville turnpike road company, with power to construct a turnpike road commencing at the borough of Bedford, in Bedford county, and thence by the most practicable route to the town of Saint Clairsville, in the same county, subject to all the provisions and restrictions of an act, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and with the several supplements thereto, as far as they are not inconsistent with each other and the provisions of this act.
- Style.**
- Route.**
- Subject to.**
- Capital.** SECTION 2. That the capital stock of said company shall consist of two hundred shares, at twenty-five dollars each: *Provided*, That the said company may, from time to time, by a vote of the stockholders, at a meeting called for the purpose, increase their capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act.
- Proviso.**
- Tolls.** SECTION 3. That whenever said company shall have finished two miles, or more, of said road, they shall have power to erect toll gates, agreeably to the conditions and restrictions of sections twelve and thirteen of an act, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.
- May purchase Hollidaysburg and Bedford road.** SECTION 4. That the said company shall have authority to purchase, or to take in payment of subscriptions to the capital stock of said company, that portion of the Hollidaysburg and Bedford turnpike road which lies within the county of Bedford, at such price and on such terms as may be agreed upon between the said Bedford and Saint Clairsville turnpike road company, and the owner or owners of the said Hollidaysburg and Bedford turnpike road, and to use the bed of the said Hollidaysburg and Bedford turnpike road in the construction of the said Bedford and Saint Clairsville turnpike road.
- Limitation.** SECTION 5. That if said company shall not commence the construction of said turnpike road within two years, and complete the same within three years, from and after the passage of this

act, the same shall become null and void, except so far as may be necessary to settle up the affairs of the company.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 157.

A FURTHER SUPPLEMENT

To the act incorporating the Huntingdon and Broad Top Mountain Railroad and Coal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the president and directors of the Huntingdon and Broad Top Mountain railroad and coal company, by and with the consent of the stockholders holding two-thirds of the stock of said company thereof, present at a meeting to be convened for that purpose by said president and directors, after two weeks' notice in two newspapers published in the city of Philadelphia, and one in the boroughs of Huntingdon and Bedford, the object of said meeting being fully set forth in said publication, to create and issue six thousand shares of stock of the par value of fifty dollars a share, the same, or the proceeds thereof, to be used for the payment, settlement or funding of their floating debt, due and growing due; which stock so issued shall be deemed and taken as preferred stock, if the stockholders shall have so directed, and shall be first paid a dividend of seven per cent. per annum, if the profits of the current year shall be sufficient for the purpose, before any dividends shall be paid on the other stock of the said company: *Provided,* That no dividend of profits shall be declared or made until all current expenses, repairs and interest on the company's debts shall be first paid or provided for from the receipts of the company's business or rents of their property.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 158.

A N A C T

Legitimizing Elizabeth P. Knight, Edward Parry and Mary Louisa Alburger.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Elizabeth P. Knight, born October sixth, one thousand eight hundred and eleven, Edward Parry, born December twenty-fifth, one thousand eight hundred and twelve, and Mary Louisa Alburger, born November tenth, one thousand eight hundred and twenty-three, children of Edward Parry, of Bensalem township, Bucks county, shall have and enjoy all the right and privileges, benefits and advantages of children born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and completely, to all intents and purposes, as if they had been born in lawful wedlock.*

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 159.

A FURTHER SUPPLEMENT

To an act to incorporate the American Academy of Music.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the American academy of music, in addition to the powers and privileges conferred upon it by the ninth section of the act, entitled "An Act to incorporate the American academy of music," passed the twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-two, shall have authority to lease or employ the building mentioned therein, for concerts, lectures, assemblies and other similar purposes, as may be deemed expedient: Provided however, That nothing herein contained shall be*

construed to confer on those who shall be holders of free tickets of admission under the proviso to the second section of the supplement to the said act, passed the fourth day of May, Anno Domini one thousand eight hundred and fifty-two, the right to be present at any other than operatic or dramatic representations: *And provided also*, That this supplement shall not take effect until the provisions thereof shall have been accepted by a majority of the stockholders of the said corporation in number and value, who may be present at a meeting convened for the purpose by the board of directors, after notice published twice a week for two weeks, in two daily newspapers of the city of Philadelphia.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 160.

A N A C T

For the relief of Hinton Bennett, of Clarion county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the commissioners of Clarion county be and are hereby authorized and directed to make exonerations, settle with and allow the accounts of Hinton Bennett, collector of taxes in the township of Madison, in said county, for the year one thousand eight hundred and fifty-seven, in the same manner and with like effect as if the said accounts had been presented for settlement before the first day of January, Anno Domini one thousand eight hundred and fifty-eight.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 161.

A N A C T

Authorizing the sale of part of the real estate of Doctor Peter Shoenberger, deceased.

WHEREAS, Doctor Peter Shoenberger, late of the city of Philadelphia, deceased, did by his last will and testament devise the house at Pittsburg, in which he formerly resided, and the lot of ground on which it stands, with the appurtenances, to his wife for and during her natural life, with the right to dispose of the same by will to and amongst her children or grand-children as she may appoint, and in default of such appointment, then to his surviving children and the lawful issue of such of his children as shall be then dead per stirpes; and he did further, by his said last will, devise to his said wife, for and during her natural life, a certain house next the canal, together with the ground thereunto belonging, situate on Penn street, in the city of Pittsburg:

And whereas, It will be beneficial to the parties interested that the said property should be sold and the proceeds invested and disposed of according to the directions of the said will; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* George K. Shoenberger and John H. Shoenberger be and they are hereby authorized, as trustees, to sell all the above described property situate in the city of Pittsburg, and to make and deliver deeds for the same to the purchasers thereof in fee simple, and to hold the proceeds thereof in trust, to invest and dispose of the same according to the provisions and directions contained in the last will and testament of the said Doctor Peter Shoenberger, deceased, in respect to the said real estate: *Provided,* That the said sales shall be approved by the orphans' court of Allegheny county, and that before confirming the said sales, the said court shall require sufficient security to be given by the said George K. Shoenberger and John H. Shoenberger, for the faithful performance of the duties of the said trust.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 162.

A N A C T

To incorporate the University of Kittanning.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the encouragement, promotion, cultivation and diffusion of the liberal arts and sciences, literature, law and medicine, there shall be and hereby is established, at or near the borough of Kittanning, in the county of Armstrong, a university to embrace the departments of a university, grammar school, a faculty of science and letters, a faculty of law, a faculty of medicine, and an agricultural school, or any one or more of said departments, and whatever other department may be deemed appropriate or necessary for such an institution, and that the name and constitution of said institution shall be and they are as follows:

University established.

ARTICLE I.

SECTION 1. That the said institution shall be called and known by the name of the University of Kittanning.

Name.

ARTICLE II.

SECTION 1. That the said university shall be under the management, direction, government and supervision of a number of trustees, not exceeding twenty-eight, or a quorum of them, as hereinafter described.

Government of.

SECTION 2. That the officers of the board of trustees shall consist of a president, secretary and treasurer, to be annually chosen from and by the members of said board.

Officers.

SECTION 3. That before entering upon his official duty, the treasurer elect shall give such security for the funds of the said university, placed, or to be placed in his hands, as the said board of trustees may deem equitable and just.

Treasurer to give security.

SECTION 4. That nine of the trustees shall constitute a quorum for the transaction of business.

Quorum.

ARTICLE III.

SECTION 1. That the trustees of said university shall consist of the following persons, to wit: Alexander Colwell, Robert Orr, James E. Brown, Thomas M'Connell, Joseph Buffington, Philip Mechling, Darwin Phelps, Alexander Reynolds, James Mosgrove, James Douglass, Robert W. Smith, J. A. Fulton, Robert M'Intosh, J. Braton Parks, Patrick Kerr, Hugh Campbell, Thomas White, R. E. Brown, E. S. Golden, which said trustees, and their successors to be elected as herein subsequently mentioned, shall be forever hereafter, and they are hereby created, established and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation in deed and

Trustees.

Style.	in law, to all intents and purposes whatsoever, by the name, style and title of the trustees of the University of Kittanning, by which name and title said trustees and their successors shall be able and capable, in law and equity, to take to themselves and their successors, for the use of said university, any estate in any messuages, lands, tenements, hereditaments, goods, chattels, money or other effects, by gift, grant, bargain, sale, conveyance, assurance, will, devise or bequest of any persons whomsoever: <i>Provided</i> , That the annual net income accruing from said estate, and subject to a yearly appropriation or disposition by said trustees, shall not exceed the sum of twenty thousand dollars, and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assure, demise, and to farm, let and place out the proceeds thereof at interest, or otherwise dispose of, in such a manner as to them, or at least a quorum of them, shall seem most beneficial to said institution, and to reserve the rents, profits, issues, income and interest of the same to the proper use of said university; and by the same name sue and be sued, implead and be impleaded, in any courts of law or equity, and in all manner of suits whatever, and generally by and in the same name to do and transact all the business touching or concerning the premises, or which shall be incidentally necessary thereto, as fully and effectually as any natural person, or body politic or corporate has power to manage the concerns belonging to such person or body, to hold, enjoy and exercise all such powers, authorities and jurisdictions as are customary in other universities or colleges within this commonwealth.
Annual income.	
Powers	
Seal.	SECTION 2. That the said trustees shall have full power to make and use one common seal, with such devices and inscriptions thereon as they shall think proper, and by and with it all deeds, diplomas, certificates and acts of said corporation shall pass and be authenticated; and said trustees, at their pleasure, may alter their seal, or substitute a new one.
To meet in Kittanning.	SECTION 3. That a quorum of said trustees shall meet in the borough of Kittanning, within thirty days from the date of this charter, to transact any business which the interest of the institution may require.
Meeting of trustees.	SECTION 4. That a meeting of said trustees may be held annually, or on the call of the president, or of any five of the members, in or near the borough of Kittanning, at such particular time and place or places as said trustees, or a quorum of them, shall appoint, of which, after the first meeting, notice shall be given by written communications, signed by the president or secretary of the board, or published in one of the county papers at least ten days before the time of such intended meeting; and if at such meeting less than a quorum shall be present, the members present shall have power to adjourn to some other day, but if a quorum of said trustees meet at the appointed time, or at any time of adjournment, then the majority of the votes of such quorum or board shall be capable of doing and transacting all the business and concerns of said university, not otherwise provided for by this act, and particularly of enacting ordinances, by-laws, rules and regulations for the government and instruction of said university; of adding, within the limit prescribed by
Meetings to be published.	
Rules and regulations.	

article two, section one, to the number of trustees whose names are inserted in this charter; of electing trustees in the place and stead of those who shall decline serving, resign or die, or whose places become vacant by any other cause; of electing or appointing the chancellor, vice chancellor, professors, tutors and other teachers of said university; of agreeing with them for their salaries and stipends; of removing them for misconduct, breaches of the ordinances of the institution, or other sufficient causes; of appointing committees of their own body, to carry into effect all the resolutions of the board; of providing for the maintenance and observance of discipline in said university; of prescribing and inflicting the penalties due to all violations of the rules, ordinances or regulations thereof, or to other misconduct committed by students or other persons thereat; of appointing a president, secretary, treasurer, and other officers necessary for managing the concerns of the corporation, and generally the majority of the voices of the board or quorum of said trustees, at any stated or extra meeting, shall determine all matters and things, although not herein specified, which shall occasionally arise and be incidentally necessary to be determined by said trustees: *Provided*, That said laws, rules and ordinances, or any of them, be not repugnant to the laws and constitution of the United States, or of the laws and constitution of this commonwealth.

Vacancies.

Power of trustees

Proviso.

ARTICLE IV.

SECTION 1. That the several departments of the university shall be under the presidency of one principal officer, whose name and style shall be the Chancellor of the University, and who shall also be ex-officio a member of the board of trustees.

Principal officer.

SECTION 2. That the chancellor and professors of each department shall constitute the faculty of such department, in manner following, to wit: The chancellor and professors of the languages, arts, sciences and philosophy, shall constitute the faculty of science and letters; the chancellor and law professors shall constitute the faculty of law; the chancellor and medical professors shall constitute the faculty of medicine, and in like manner shall be constituted every other department which may be organized.

Faculty.

SECTION 3. That each faculty shall have the power of enforcing the rules and regulations adopted by the board of trustees for the government and instruction of the students under its care.

Power of faculty

SECTION 4. That the chancellor and professors of the several faculties, or a majority of them, shall constitute the senatus academicus of the university, whose duty it shall be to grant and confirm unto such students of the university who shall be deemed worthy, after sustaining a thorough and scrutinizing examination on all the departments of their studies prescribed in the university curriculum, such degrees, academical, legal, philosophical or medical, as are usually granted by other universities and unto other distinguished literary and scientific gentlemen, such honorary degrees as their superior merits may deserve; to grant likewise to said graduates, diplomas, under the common seal of the corporation, in order to authenticate and perpetuate the

Degrees.

memory of such graduation, and to grant to such students as shall have only pursued a partial course of study, such certificates as their superior attainments in those departments may deserve.

Students.

SECTION 5. That students who shall pursue a full course of legal studies in this university, or who may produce satisfactory testimonials of their having pursued a regular course of legal studies in any other institution, may, if deemed qualified after an accurate examination in every branch of said studies, be admitted to the degree of Bachelor of Laws, and such graduation shall entitle them to the same privileges in the courts of law and equity as are enjoyed by a similar degree from the University of Pennsylvania.

Degrees, to whom granted.

SECTION 6. That no degree shall be granted to any person who does not possess superior literary, philosophical, scientific, medical, legal or theological knowledge and attainments: *Provided*, That graduates of other institutions of learning, if deemed worthy, may be admitted to the same degree *ad eundem*.

ARTICLE V.

Kittanning academy to transfer real estate, &c.

SECTION 1. That the trustees of the Kittanning academy be authorized, and they are hereby empowered to transfer the funds and convey all the estate, real, personal and mixed, of the said academy, to the trustees of the University of Kittanning, and their successors and assigns forever, for the use of said university, or sell the same at public sale, and transfer the proceeds thereof to the trustees of said university, as they in their discretion may think proper: *Provided*, That no such sale or transfer shall be made until at least ten thousand dollars shall be subscribed towards the funds of said university, and three thousand thereof actually paid into the treasury; and in case of the transfer as aforesaid, the said trustees of the University at Kittanning are hereby empowered to grant, bargain, sell, demise, alien or dispose of the same, or any part thereof, for the use of said university, as shall be deemed most advantageous to the interests thereof.

Proviso.

Trustees and officers to take oath or affirmation.

SECTION 2. That the trustees of the University of Kittanning, and their successors, the chancellor, professors, and other officers of the said institution, before they enter on their duties, shall each and every of them take and subscribe an oath or affirmation for the faithful discharge of the trust reposed in them.

Misnomer.

SECTION 3. That no misnomer of the said corporation of the University of Kittanning, shall defeat or annul any gift, grant, devise or bequest, to or from the said corporation: *Provided*, That the intent of the parties shall sufficiently appear upon the face of the gift, grant, will or other writing, whereby any estate or interest was intended to pass to or from said corporation.

Refusal to serve as trustee.

SECTION 4. That any trustee who shall neglect or refuse to attend the meetings of the board for the space of two years, shall cease to belong to the board.

Reservation.

SECTION 5. That the legislature reserves the right to alter, amend or annul this charter, in case of any abuse of the privileges hereby granted.

SECTION 6. That this act shall go into operation immediately after its approval.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 163.

AN ACT

To prevent the hunting of Deer with Dogs in the townships of Shippen and Gaines, in the county of Tioga, and Donegal, Cook, Ligonier, Fairfield and St. Clair, in the county of Westmoreland.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall be unlawful for any person or persons to run deer with dogs in the townships of Shippen and Gaines, in the county of Tioga, and in the townships of Donegal, Cook, Ligonier, Fairfield and St. Clair, in the county of Westmoreland; any person who shall violate the provisions of this act shall be deemed guilty of a misdemeanor, and be subject to a fine of twenty dollars, one-half to the use of the informer, and one-half to be paid into the county treasury, to be recovered as debts of like amount are now by law recoverable: *Provided,* That this act shall not be so construed as to prohibit the hunting or catching with dogs deer that have been previously wounded. To prevent the hunting of deer with dogs, &c.

SECTION 2. That it shall be lawful for any person to shoot or kill any dog or dogs which may be found running or chasing deer, in violation of the provisions of the foregoing section, and the owner or owners of said dogs shall not recover any damages therefor. Dogs may be killed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 164.

A FURTHER SUPPLEMENT

To the several acts relative to the Union Canal Company of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the three several mortgages executed by the Union canal company of Pennsylvania, bearing date respectively the twenty-third day of August, eighteen hundred and fifty-three, the twentieth day of October, and the twenty-eighth day of October, both in the year eighteen hundred and fifty-seven, shall be in each and all of the provisions thereof, and the same are hereby ratified, validated and confirmed, with the like effect as if the same had been expressly authorized by legislative authority previously had and obtained, and that the real and personal estate and tolls of said company shall and may remain in the possession and under the control of, and be received by said company, without prejudice to the security of any of said mortgages; and it shall and may be lawful for the trustees respectively named in the mortgages above mentioned, to re-convey to said company any property of which they may have received possession, with like effect as though the same had never been conveyed or surrendered to them.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 165.

AN ACT

To Revive and Continue in force the law Graduating Lands upon which purchase money is due the Commonwealth, and regulating the mode of charging interest thereon.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

from and after the passage of this act, it shall be the duty of the surveyor general, on the settlement of any account for moneys due the commonwealth on lands which may have been surveyed, on proprietary office rights, or warrants issued by this commonwealth, or on actual settlement and improvement, to charge the following rates of interest, namely: On all lands where the original purchase money is twenty pounds (fifty-three dollars and thirty-three and one-third cents) per hundred acres, one per cent. per annum; on lands issued at the rate of fifteen pounds ten shillings, (forty-one dollars and thirty-three and one-third cents) two per cent. per annum; on lands issued at the rate of ten pounds, (twenty-six dollars and sixty-six and two-third cents;) and nine pounds, (twenty-four dollars) three per cent. per annum; on lands issued at the rate of five pounds sterling, (twenty-two dollars and twenty-two and one-fourth cents;) and that issued at the rate of twenty dollars, three and one-half per cent. per annum; on land issued at the rate of five pounds (thirteen dollars and thirty-three and one-third cents) four per cent. per annum; on lands issued at the rate of fifty shillings (six dollars and sixty-six and two-third cents) six per cent. per annum; no interest to be charged on lands issued at eighty cents per acre: *Provided*, That in no case, either of warrant, location or improvement, or any other office right, shall interest be charged on the purchase money of any of the aforesaid lands, for the time which elapsed between the second day of December, one thousand seven hundred and seventy-six, and the second day of December, one thousand seven hundred and eighty-three: *Provided further*, That no interest be charged on any lands north and west of the rivers Ohio, Allegheny, and Conewango creek, previous to the third April, one thousand seven hundred and ninety-seven; and in all cases where patents are issued upon the actual settlement and improvement, to any actual settler, no interest shall be charged for five years after such improvement and settlement was commenced: *Provided nevertheless*, That the owner of any unpatented tract of land, who is actually occupying the same, shall have the benefit of the act, passed the tenth day of April, one thousand eight hundred and thirty-five, entitled "An Act to graduate lands on which money is due and unpaid to the commonwealth of Pennsylvania," and the supplement thereto, passed the fourth day of May, one thousand eight hundred and fifty-five, until the first day of December, one thousand eight hundred and fifty-nine, and this proviso shall also extend and apply to laws embraced in the second section of this act.

Duty of surveyor general.

Proviso.

Proviso.

Proviso.

SECTION 2. That all lands situate within the seventeen townships, formerly in the county of Luzerne, now in the counties of Luzerne, Wyoming and Bradford, which have been certified to the Connecticut claimants, by the commissioners appointed in pursuance of an act of assembly, entitled "An Act for offering compensation to the Pennsylvania claimants of certain lands within the seventeen townships in the county of Luzerne, and for other purposes therein mentioned," shall pay the following rates of interest, namely: All lands classed by the said commissioners as numbers one, two and three, to be charged interest at the rate of two per cent. per annum; all lands classed as number four, to pay six per cent. per annum.

Relative to certain lands in Luzerne, Wyoming and Bradford counties.

Towns of Beaver,
Erie, Waterford,
Franklin and
Warren, lands in,
relative to.

SECTION 3. That all the in-lots and out-lots, and reserved tracts in and adjoining the towns of Beaver, Erie, Waterford Franklin and Warren, which have heretofore been sold in pursuance of an act of assembly, and upon which there is any of the original purchase money due, shall pay at the rate of two per cent. per annum, from the time mentioned in the act for the sale of such lots or tracts; and that all laws requiring an actual settlement on any of the above mentioned reserve tracts, be and the same are hereby repealed: *Provided*, That the in-lots, out-lots, and reserved tracts mentioned in this section, which upon appraisement in the manner provided for in the act relative thereto, approved the thirteenth day of April, Anno Domini one thousand eight hundred and thirty-eight, shall have been or may be rated in the fourth class as number four, may be patented on the payment of the original purchase money due thereon, with the patenting fee, without interest until the aforesaid first day of December, Anno Domini one thousand eight hundred and fifty-nine.

Proviso.

Repeal.

Land formerly of
Dickinson col-
lege, relative to.

SECTION 4. That so much of any former act or acts of assembly as are hereby altered, be and the same are hereby repealed.

SECTION 5. That on any purchase money which may be due the commonwealth on land formerly the property of Dickinson college, and conveyed by said college to the commonwealth, and which may have been sold by the commissioners of Venango county, under the provisions of the acts of assembly of the thirtieth day of March, one thousand eight hundred and twenty-two, and of the fifteenth day of April, one thousand eight hundred and thirty-four, interest at the rate of two per cent. per annum shall be charged, and no more.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The nineteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 166.

AN ACT

To incorporate the Hilltown and Dublin Turnpike Road, in the county of Bucks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Enos Hunsberger, Abraham Leicy, John Hunsberger, Jacob Hunsberger, senior, Jacob Kooker, Henry S. Moyer, Frederick A. Hendricks, John Smith, Samuel Angeny, Ulrick Hackman, William Fretz, Peter R. Crouthammel, John Hackman, Amos Pennybecker, Levi H. Leatherman, Reading Lewis, Henry Rosenberger, Leonard Kohler, Justus Rowland, Jacob Angeny, John Davis, Jacob Staut, Zachariah Leidy, Henry Albright, Joseph Rosenberger, Jacob D. Hunsberger, Henry Rickert, Jonathan Gerhart, William Moyer and Abram Hunsberger, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions to stock, and organize a company, by the name, style and title of the Hilltown and Dublin turnpike road company, with power to locate and construct a turnpike road commencing at the Hilltown turnpike, on land of Jacob Hunsberger, senior, in the township of Hilltown, and extending to a point in a public road in the village of Dublin, in the county of Bucks, subject to the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same be not inconsistent with any section of this special act.

Commissioners.

Style and powers

Route.

Subject to.

SECTION 2. That the capital stock of said company shall consist of two hundred and forty shares, of twenty-five dollars each: *Provided*, That said company may, by a vote of the stockholders, increase their capital stock so much as in their judgment may be necessary to carry out the true intent and meaning of this act.

Capital.

SECTION 3. That when said company shall have completed one mile, or more, of said road, they shall have power to erect toll gates, and receive the same toll per mile as are allowed by the twelfth and thirteenth sections of an act, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine.

Tolls.

SECTION 4. That if said company shall not commence the construction of said road within three years of the passage of this act, and complete the same within five years thereafter, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of the company.

Limitation.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 167.

A N A C T

Relating to the fees of Aldermen, Justices of the Peace and Constables, in and for the city of Pittsburg and counties of Washington and Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act, the fee bill, approved April eighteenth, one thousand eight hundred and fifty-seven, entitled "An Act relating to fees of aldermen, justices of the peace and constables," be and the same is hereby repealed, so far as relates to the city of Pittsburg and counties of Washington and Lancaster; and that the fee bill now applicable to the city of Philadelphia, be and the same is hereby extended to the city of Pittsburg and counties of Washington and Lancaster.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 168.

A N A C T

To authorize the appointment of Appraisers, to assess and report the damages sustained by Transporters and others, by reason of the Sale of the Main Line of the Pennsylvania Canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That immediately after the passage of this act, the governor be and is hereby authorized and directed to appoint one person who is disinterested, and the Pennsylvania railroad company shall appoint another, who shall not be an employee or stockholder of said company, and the persons thus selected shall appoint a third, whose duty shall be to ascertain, appraise and assess the damages sustained, if any, by the individual transporters on the main line*

Appraisers to assess and report damages, how appointed.

Duties.

of the public works, or any part thereof, from and after the passage of an act, entitled "An Act for the security of certain transporters on the public works of this commonwealth," approved the eleventh day of February, one thousand eight hundred and fifty-six, by reason of the sale of the main line: *Provided however,* That Proviso. said Pennsylvania railroad company shall have notice of the time and place of appointing said appraisers by service on the president or vice president of said corporation for five days, and if said corporation then should neglect or refuse to appoint an appraiser, in that case the governor shall appoint a second person, which two shall select a third.

SECTION 2. That it shall be the duty of the said appraisers, Duty of appraisers. immediately after their appointment, after having been severally duly sworn or affirmed, to ascertain and assess the amount of damages sustained by the aforesaid individual transporters by reason of the sale of said main line, under the provisions of the above mentioned act, and report the same by schedule, designating the different kinds of property upon which damages are assessed, with the value attached to each particular kind, such transporters by name, and the amount of damages awarded them, during the present session of the legislature.

SECTION 3. That the said appraisers shall receive for their Compensation. services each at the rate of four dollars per day for each and every day they shall be necessarily employed, and the governor is hereby authorized and directed to draw his warrant on the state treasurer for the amount: *Provided,* The time of such examination shall not exceed ten days.

SECTION 4. That the said appraisers be and they are hereby Appraisers authorized to administer oaths and affirmations. authorized and empowered to administer oaths and affirmations to witnesses, in the investigation hereinbefore provided for.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 169.

A N A C T

For the relief of Wilhelmina Anthony, of Philadelphia, Widow of a Soldier of the Revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the state treasurer be and he is hereby authorized and required to pay to Wilhelmina Anthony, of Philadelphia, widow of a soldier of the Revolutionary war, a gratuity of forty dollars and an annuity of forty dollars during her life, payable half yearly, commencing on the first day of January, Anno Domini one thousand eight and hundred and fifty-eight.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 170.

AN ACT

To enable and aid the Commissioners of Armstrong county to erect a new Court House.

Preamble.

WHEREAS, On the tenth of March, one thousand eight hundred and fifty-eight, the new court house in the borough of Kittanning, in the county aforesaid, recently erected at great expense, was accidentally destroyed by fire:

And whereas, The exigencies of the public interests require the same to be immediately rebuilt:

And whereas, The funds of the county, as well as the powers of the commissioners in that behalf, are inadequate to the immediate and successful prosecution of the work; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of said county shall have full and complete authority to erect, immediately, a new court house, and such other buildings as the interests of said county may require, and to aid them in doing so shall have full power to borrow money on the credit of the county, not exceeding ten thousand dollars, and generally to have and exercise all powers necessary to carry out efficiently the object of this act.

Commissioners
authorized to
erect new court
house, &c.

Power to assess
and collect addi-
tional tax.

SECTION 2. That the commissioners of said county are hereby authorized and empowered to assess and collect an additional tax not exceeding ten mills on the dollar, in the same manner that other county rates and levies are assessed and collected, which tax is hereby specifically appropriated to the erection of said new court house, and necessary buildings and improve-

ments, and to the extinguishment of liabilities incurred for that purpose.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 171.

A N A C T

To provide for the Collection of additional Taxes in the townships of Allegheny and Sharon, in the county of Potter.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the road supervisors of the townships of Allegheny and Sharon, in the county of Potter, be and they are hereby authorized and empowered, in addition to the tax now authorized by law to be assessed and collected in the said townships, to levy and collect an additional tax not exceeding one per cent. in any one year, on the last adjusted valuation of property in said townships for county purposes; the same to be levied and collected in manner as is now provided by law for the levying of taxes in said townships; the same to be appropriated in making roads and building bridges in said townships.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 172.

A SUPPLEMENT

To an act authorizing the Canal Commissioners to examine the claims of James M'Kean and Marmaduke Rambo, Contractors on the Erie extension of the Pennsylvania Canal.

WHEREAS, An act was passed at the last session of the legislature, authorizing the canal commissioners to examine the claims of James M'Kean and Marmaduke Rambo:

And whereas, The said commissioners, for want of sufficient proof, only examined in part the claims of said applicants, and deferred the further examination of their claims until all the proofs could be obtained:

And whereas, The said claimants are now prepared with all the proofs necessary to perfect their claims;

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized and required to complete the examination of the claims of James M'Kean and Marmaduke Rambo, contractors on the Erie extension of the Pennsylvania canal, and if they find them entitled to additional compensation for labor performed under their contract, to report the amount so found, if any, to the Senate and House of Representatives.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 173.

AN ACT

To incorporate Mount Pleasant Union College at Mount Pleasant, in Westmoreland county, and State of Pennsylvania, and to enable the Mount Pleasant College to convey certain real estate.

Preamble.

WHEREAS, The trustees of Mount Pleasant college, incorporated the twenty-eighth day of April, one thousand eight hundred and fifty-one, are desirous of disposing of their college pro-

perty, and of ceasing and determining their corporate existence; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there be and hereby is erected and established at Mount Pleasant, in the county of Westmoreland, in this commonwealth, a college for the education of persons in the various branches of science, literature, and the ancient and modern languages, by the name, style and title of the Mount Pleasant Union college. Location. Style.

SECTION 2. That the first trustees of said college shall be Edward Braden, Edgar Cowan, Joseph H. Clark, William B. Dick, John E. Fleming, James W. Fife, Jesse Hunter, Thomas Hurst, Josepli Lippincott, Cyrus P. Markle, James M'Conaughy, Alexander Miller, Henry S. Overholt, Jonas Ruff, John Sherrick, Daniel Shupe and James Warden, with power to increase their number to twenty-four, which trustees, and their successors to be elected as hereinafter directed, shall be a body corporate and politic, by the name, style and title of Mount Pleasant Union college, and shall have full power to use one common seal, and to alter and renew the same at their pleasure, to have perpetual succession, with legal ability to sue and be sued, and in law and in equity to take, hold and dispose of for the use of said college, any description of property, real or personal, by deed, gift, devise or otherwise, and if deemed necessary, to appoint agents to solicit and collect funds for the erection of buildings, the endowment of professorships, and such other purposes as may advance the interests of the institution; and to do so, all such necessary acts as such corporation may rightfully do: *Provided*, That the annual income of the same, exclusive of the income from students, does not exceed the yearly value of five thousand dollars. Trustees. Power to increase the number of. Powers and privileges.

SECTION 3. That said trustees shall hold their first meeting on Wednesday, the twenty-fourth day of March, instant, at the college building, after which they shall hold their meetings annually, and oftener if deemed necessary; the time of holding the annual meetings shall be determined by the trustees themselves, and their special meetings at the call of the president; at their first annual meeting they shall divide themselves into three classes of equal number; the seats of the first class shall be vacated at the end of one year; the seats of the second class at the end of two years; the seats of the third class at the end of three years, so that the third of the whole number of trustees may be chosen by the stockholders, annually, in all following years; they shall also have power to make all necessary by-laws and regulations for the government of said corporation, which by-laws and regulations shall be in force until repealed or modified at a regular annual meeting of the trustees. Meetings. Classes of trustees. By laws.

SECTION 4. That said trustees, seven of whom shall be a quorum, shall elect from their number a president of the board of trustees, a secretary and treasurer, the latter of whom shall give such bond as the by-laws shall require; and they shall also have power to appoint and remove teachers and professors in said college, to elect all officers necessary and proper for the government of the college or corporation; to define their duties, compensation and terms of service, and determine all matters and Officers.

things necessary to the good order and wise management of the same for the public good.

Capital stock.

SECTION 5. That the capital stock of said corporation shall consist of five hundred shares of twenty-five dollars each, with the privilege of increasing the same, and with liberty to commence as soon as one hundred and seventy-five shares are subscribed; and on full payment of each share subscribers shall receive certificates of stock, transferable in person or by attorney, on the books of the corporation, wherein shall be recorded the certificates issued under its seal to persons entitled by this act to receive them.

Votes.

SECTION 6. That for each share subscribed and paid for as in section fifth, the holder thereof shall be entitled to vote as follows: Every stockholder will be entitled to a vote for every share not exceeding five, and an additional vote for every two shares above five, but no number of shares whatever shall entitle any stockholder to more than ten votes, and no voting by proxy shall ever be allowed.

Degrees, diplomas, &c.

SECTION 7. That the trustees, in connection with the faculty of the college, shall have power to grant and confer such degrees in the liberal arts and sciences, or such branches thereof, to such students of the college, or others, as from their proficiency in learning they may deem justly entitled to such honors, and such as are usually granted by institutions of a similar kind, and to grant diplomas or certificates, under their common seal, as may authenticate and perpetuate the memory of such graduation.

Power to vacate seats.

Proviso.

SECTION 8. That the trustees of said college shall have power, by vote upon their journal, to vacate the seats of its members, habitually absent from the meetings of the board: *Provided*, Due notice be given to the party for the correction of the evil; upon such vacancy or vacancies, by death, resignation or otherwise, occurring, the trustees shall appoint other trustees in the place of those so removed, and for the same term of service.

Misnomer.

SECTION 9. That no misnomer of the said corporation shall defeat or annul any gift, grant or bequest intended to inure to the benefit of the said college.

Mount Pleasant college authorized to convey estate.

SECTION 10. That the trustees of Mount Pleasant college be and are hereby authorized and empowered to sell and convey to the trustees of Mount Pleasant Union college, any and all real and personal estate or estates, and property heretofore had and held by the same in the county of Westmoreland, in this commonwealth, and to execute and deliver to the purchasers a good and sufficient deed or deeds for the same.

SECTION 11. That from and after the confirmation of the aforesaid deed or deeds, the act incorporating Mount Pleasant college, passed April twenty-eighth, one thousand eight hundred and fifty-one, be and the same is hereby repealed.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-third day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 174.

A N A C T

Increasing the pay of the County Commissioners and Sheriff of Lycoming county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the commissioners of Lycoming county shall be entitled to receive two dollars per day for every day's actual service in the business of the county.

SECTION 2. That from and after the passage of this act, the sheriff of Lycoming county shall be entitled to the sum of thirty-five cents per day for boarding each and every prisoner confined in the jail of said county.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth-day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 175.

A N A C T

Relative to Funding the Debt of the borough of Scranton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the common council of the borough of Scranton be and they are authorized and required to fund so much of the debt of said borough as has been contracted in pursuance of a resolution of said council, passed November seventeenth, one thousand eight hundred and fifty-seven, for the purpose of giving employment to destitute laborers, and to issue certificates of loan therefor in sums not less than one hundred dollars, payable, with interest, on the first day of January, one thousand eight and fifty-nine.

Certain amount
of borough debt
to be funded.

SECTION 2. That said certificates shall be signed by the burgess and secretary of the council, and countersigned by the

Certificates, rela-
tive to.

borough treasurer ; that before any certificate shall be countersigned by said treasurer, there shall be delivered to him to be cancelled, an equal amount of the orders or debt required to be funded.

How certificates
to be paid.

SECTION 3. That the council of said borough of Scranton are hereby required to appropriate so much from the revenues derived from the borough taxes of eighteen hundred and fifty-eight, as may be necessary to pay the certificates hereby authorized.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 176.

A N A C T

For the Election of Borough Auditors in the borough of Brookville, Jefferson county.

Auditors to be
elected.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the citizens of the borough of Brookville, in the county of Jefferson, qualified to vote for members of the legislature, are hereby authorized, at the next election to be held in said borough for members of town council, to elect three reputable persons, citizens of said borough, as auditors, one to serve for one year, one for two years, and one for three years, the terms of each to be decided by said auditors at their first meeting, and annually thereafter, one auditor to serve for three years, whose duty it shall be, after having taken and subscribed an oath or affirmation to perform their duties with fidelity, to meet in the said borough on the first Monday of May next, and every first Monday of May thereafter, and proceed to audit and adjust the respective accounts of the town council, school directors and overseers of the poor, in the same way and manner and under such regulations as are required of township auditors in the settlement of the accounts of supervisors, and whose award shall be final and conclusive, unless appealed from within thirty days thereafter.

Receipts and ex-
penditures.

SECTION 2. That said auditors shall make out a correct exhibit of the receipts and expenditures of said borough for the preceding year, and publish the same in at least one newspaper in said

borough at least four weeks in the months of May and June, in each year.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 177.

AN ACT

Repealing a Tax on Dogs in the township of Newtown, in the county of Bucks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the twelfth section of an act, approved the eighth day of April, Anno Domini one thousand eight hundred and fifty-three, entitled "An Act to incorporate the president and managers of the Belmont avenue and plank road company, in Philadelphia county, and for other purposes," be and the same is hereby repealed, so far as the same relates to the taxing of dogs in the township of Newtown, in the county of Bucks, and all moneys collected and to be collected as dog tax shall be appropriated to the school fund of said township for school purposes.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 178.

A N A C T

To protect Fish in Susquehanna county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, it shall not be lawful for any person or persons to take, catch or kill any trout in any of the streams, lakes or ponds within the county of Susquehanna, between the first days of October and first days of March, and any person or persons offending against the provisions of this section, shall, upon conviction thereof, forfeit and pay a sum not less than five, nor more than twenty dollars, to be recovered as debts of like amount are now by law recoverable, one-half of said amount to go to the use of the informer, who is hereby made a competent witness, and the other half to the use of the township wherein the offence is committed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 179.

A N A C T

Legitimizing George S. Holsinger.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* George S. Holsinger, born August sixteenth, one thousand eight hundred and twenty-nine, child of George R. Holsinger, of Woodberry, Bedford county, shall have and enjoy all the rights and privileges, benefits and advantages of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit

any estate whatsoever, as fully and completely, to all intents and purposes, as if he had been born in lawful wedlock.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 180.

A SUPPLEMENT

To an act in regard to Floating Logs in the Cowanesque creek, in Tioga county.

WHEREAS, An act, entitled "An Act to prevent the obstruction of the Cowanesque creek," was passed by the legislature of Pennsylvania, during the session of one thousand eight hundred and fifty-four, and approved by the governor the fourth day of March, one thousand eight hundred and fifty-four:

And whereas, A supplement to said act was passed at the same session, entitled "A supplement to an act, entitled 'An Act to prevent the obstruction of the Cowanesque creek,'" which supplement was approved by the governor, the thirteenth day of April, Anno Domini one thousand eight hundred and fifty-four:

And whereas, It is found that said act, and the supplement aforesaid, work injustice to the citizens of the county of Tioga, owning timber and desiring to float the same down said Cowanesque creek; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the citizens of Tioga county to float logs upon the Cowanesque creek, any distance that the business of said citizens may require, being liable in all cases for any damages which may accrue to any person or persons by reason of floating such logs as aforesaid.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 181.

AN ACT

To incorporate the Steinsburg and Milford Square Turnpike Road Company.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph Sliffer, Jacob Van Buskirk, David Kemmerer, Isaac Solada, John Weiss, David Ochs, John N. Shelly, Amos Antrim, Jacob N. Shelly, John Gehman, Henry T. Shelly, Peter Zetty, Reller Himmelwright, James Wilson, Peter Himmelwright, Christian Shelly, Jacob Godshall, Peter Sell, John Roth, John S. Heist, Daniel S. Heist, Abraham S. Stauffer, James Roberts, Jacob Bach, senior, Jacob Bach, junior, Thomas Baum, John Beeler, of Bucks county, or any five of them, are hereby appointed commissioners to open books, receive subscriptions to stock, and
- Style and route.** organize a company by the name, style and title of the Steinsburg and Milford Square turnpike road company, with power to construct a turnpike road from Steinsburg to Milford Square, in Bucks county, and that along the bed of the present public road connecting said points, to be extended across the Quakertown and Spinnerstown turnpike road in Milford Square, to a building occupied as a printing office in said village; with the privilege also either of commencing their said road at the first cross-roads above Steinsburg, on the Coopersburg road, or at Nathan Bach's, in said Steinsburg, as a majority of the stockholders may determine upon, at a meeting called for that purpose, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, excepting as the same is herein otherwise provided for.
- Subject to.** SECTION 2. That the said company are hereby authorized to charge and collect the same amount and description of tolls on their road as are allowed by law to be charged by the Quakertown and Sellersville turnpike road company, and when said company shall have completed their road, they shall have power to collect and receive tolls on the same.
- Tolls.** SECTION 3. That the capital stock of said company shall consist of one hundred and sixty shares, at twenty-five dollars each: *Provided,* That the said company may, by a vote of the stockholders, at a meeting called for that purpose, increase their capital so much as in their judgment may be necessary to carry out the true meaning and intent of this act.
- Capital.** SECTION 4. That if said company shall not commence the construction of said road within three years of the passage of this act, and complete the same within five years thereafter, this act
- Limitation.**

shall be null and void, except so far as may be necessary to close the affairs of and pay the debts of the company.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 182.

A SUPPLEMENT

To an act, entitled "An Act to provide for an additional Law Judge of the Court of Common Pleas in the Sixth Judicial District," approved the seventeenth day of April, one thousand eight hundred and fifty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the additional law judge mentioned in, and created by, the act to which this is a supplement, shall after the passage of this act, have power to certify causes and issues for trial, before any judge of an adjoining district, or president judge, in like manner and for the same reasons as issues and causes may be certified by the president judges of the several judicial districts of this commonwealth.

SECTION 2. That the act to which this is a supplement, shall not be construed so as to create independent terms of court, but the several weeks of court in said act provided to be held, shall be construed to be parts of the quarterly terms immediately preceding them; and the terms of court in said district shall be the courts commencing and held on the weeks in which, by law, the regular terms of the quarter sessions are to be held, and writs shall not be made returnable to the several weeks of the courts created by the act aforesaid; and the word "term," in the second section of said act, wherever it shall or does occur, shall be taken and held to mean "court:" *Provided,* That any writs and returns heretofore made to the courts created by said act, or to any week thereof, shall be held to be good and valid, and the monthly return days shall remain as created by said act.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 183.

A N A C T

To incorporate the Spinnerstown and Goshenhoppen Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners. Rueben Schantz, Michael Hersh, Daniel Hillegas, Nathan C. Roeder, George M. Eberhart, David Spinner, C. R. Himmelwright, Edwin D. Spinner, Jacob O. Stauffer, William H. Oberholtzer, David M'Nulty, Levenus Sheip, Samuel C. Roeder, Jesse Geary, Henry Miller, Joseph Miller, esquire, David Levy, Benjamin Geary, Abraham H. Oberholtzer, Aaron Hillegas, of Bucks county; and Henry Dotts, George Graber, Charles Hillegas, Michael Greisemier, Edwin Scheip, Jesse Roeder, John Dimniey, Daniel Orifer, George Mosteller, George Mack, Abraham Mack, James M'Lennen, Jacob Hillegas, Henry Gerey, Joel Yeakel, Samuel Welker, of Montgomery county, or any five of them, are hereby appointed commissioners to open books, receive sub-

Style and route. scriptions to stock, and organize a company by the name, style and title of the Spinnerstown and Goshenhoppen turnpike road company, with power to construct a turnpike road from the Quakertown and Spinnerstown turnpike road at Spinnerstown, in Bucks county, to the Green Lane and Goshenhoppen turnpike road, near Greenville or Pennsburg, in Montgomery county, via Sheip's mill, Samuel Roeder's and Geary's inn, to the said Green Lane and Goshenhoppen turnpike road, in Montgomery county, with the privilege also either of connecting their said road with the Green Lane and Goshenhoppen turnpike road, at Greenville or Pennsburg, or at any other point a majority of the stockholders may determine upon, subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, passed the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, excepting as the same is herein otherwise provided for.

Powers.

Tolls.

SECTION 2. That the said company are hereby authorized to charge and collect the same amount and description of tolls on their road as are allowed by law to be charged by the Quakertown and Sellersville turnpike road company, and when said company shall have completed their road, they shall have power to collect and receive tolls on the same.

Capital.

SECTION 3. That the capital stock of said company shall consist of two hundred and forty-shares, at twenty-five dollars each: *Provided,* That the said company may, by a vote of the stockholders, at a meeting called for that purpose, increase their capital so much as in their judgment may be necessary to carry out the true meaning and intent of this act.

Limitation.

SECTION 4. That if the said company shall not commence the construction of said road within three years of the passage of

this act, and complete the same within five years thereafter, this act shall be null and void, except so far as may be necessary to close the affairs of and pay the debts of the company.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 184.

A N A C T

Providing for cases of Insane Convicts confined in the Western State Penitentiary.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when there shall be reasonable cause to believe by the physician of the Western State penitentiary, that any convict confined therein is insane, he shall forthwith communicate the same to the proper warden and board of inspectors, whose duty it shall be forthwith to examine and inquire into the mental condition of such convict, and if thereupon the board of inspectors shall deem it proper and advisable, they shall direct the proper physician of the said Western penitentiary, in which such convict is confined, to call to his aid the physician of the insane department of the Western Pennsylvania hospital, and another competent person learned in medical jurisprudence; and if upon examination and consultation upon the mental condition of the said convict, they or a majority of them shall be satisfied that he, the said convict, is insane, they shall certify and report in writing their opinion to the board of inspectors, and thereupon, if the said inspectors shall approve the report of the said physicians, they shall transmit the same to the governor, and if by him also approved, he shall direct that said insane prisoner shall be by said inspectors removed to the State lunatic hospital, or to the Western Pennsylvania hospital, there to be received, safely kept, and properly provided for at the cost and charge of the county from which he was sent to the penitentiary; and if at any time during the period for which any such insane prisoner shall have been sentenced to confinement in the said penitentiary, he shall in the opinion of the board of managers of the hospital to which he may have been removed, be so far restored as to

render his return to said penitentiary safe and proper, then the said board of managers shall cause the said prisoner to be returned to said penitentiary; and due notice of all such removals or transfers shall be given by them to the clerk of the court of the proper county in which such prisoner was sentenced, and from which he was sent to the said penitentiary.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 185.

AN ACT

To authorize the Court of Common Pleas of Lancaster county to invest certain money bequeathed by Jacob M. Haldeman, deceased.

WHEREAS, Jacob M. Haldeman, of Harrisburg, deceased, by a testamentary direction, ordered his executors to invest one thousand dollars, under the direction of the court of common pleas of Lancaster county, the interest of which is to be applied annually, forever, in preserving and keeping in good order the family grave yard of his father, the late John Haldeman, deceased, situate in Conoy township, Lancaster county; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the said court of common pleas of Lancaster county be and is hereby authorized and required to invest the said sum of one thousand dollars for the purpose aforesaid, in such manner as said court shall see fit; and if deemed necessary, the said court may from time to time appoint a trustee to carry out and perform the trust aforesaid, which fund and trustee shall at all times, hereafter, be under and subject to the control and direction of the said court.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 186.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the president and managers of the Kensington and Oxford Turnpike Road Company," approved the seventeenth day of March, Anno Domini one thousand eight hundred and forty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* in all cases in which the president and managers of the Kensington and Oxford turnpike road company are now by the act to which this is a supplement, or by any supplements thereto, empowered to exact, collect and receive fractions of a cent as toll for the use of their said turnpike road, the said the president and managers of the Kensington and Oxford turnpike road company are hereby authorized and empowered to charge and receive one cent therefor; and all the remedies for the enforcement of the payment of tolls, or for the punishment of any person or persons neglecting or refusing to pay toll for the use of said turnpike road heretofore conferred upon said company by any of the acts to which this is a supplement, are hereby extended to the tolls chargeable under this act.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 187.

AN ACT

Authorizing the Supervisors of Tod township, in Huntingdon county, to construct a Lock-up House at Coalmont, in said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Authority to
erect a lock-up
house.

the supervisors of Tod township, in the county of Huntingdon, are hereby authorized to have built, or otherwise provided for, at the town of Coalmont, in Tod township, in said county, a suitable building for the security and detention of any person or persons committed by any justice of the peace or burgess of any borough in the aforesaid township, for any violation of the laws of this commonwealth, or of any ordinance of the borough in which said burgess resides, for which such person or persons could be lawfully committed to the common jail of Huntingdon county, there to remain and to be kept until such offender or offenders can be removed to the said common jail, if committed for an indictable offence, or until discharged according to law: *Provided*, That no person or persons shall be confined in said lock-up house, at any one time, for a longer period than forty-eight hours, except such person or persons be charged with an indictable offence, and it may be necessary to detain him, her or them, for a legal examination.

Proviso.

Expenses, how
paid.

SECTION 2. That the expenses of committing and keeping any person or persons in said house or place, on a charge of any indictable offence, shall be paid by the said county of Huntingdon, and for all offences against the ordinances of any borough, the expenses thereof shall be borne by the said borough.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 188.

AN ACT

Supplementary to an act to authorize the Auditor General to open and re-audit the account of George S. Hays, late Prothonotary of Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time allowed by the proviso to the first section of an act, entitled "An Act to authorize the auditor general to open and re-audit the account of George S. Hays, late prothonotary of Allegheny county," approved April twenty-second, one thousand

eight hundred and fifty-seven, be and the same is hereby extended until the first day of July next.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 189.

A SUPPLEMENT

To an act, entitled "An Act relative to Lighting the City of Erie with Gas," approved the twenty-ninth day of March, one thousand eight hundred and fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the portion of the city of Erie, which is lying and situate between Holland street and the Erie extension canal, in said city, from Front street, Myrtle street, and from thence to Buffalo street between Holland street and Myrtle street, is hereby created and constituted a gas district in said city of Erie, and the mayor, select and common councils of said city, may and they are hereby authorized to contract with the Erie gas company, and fix, by written agreement, the price to be paid for the posts and lamps, and the gas used to light any street or streets, or part of a street, in said gas district, and to make such other needful terms and conditions as they may mutually agree upon for this object and the interest of said city; and any posts and lamps which may have been erected heretofore in said gas district, and all contracts heretofore made for posts or gas, are hereby legalized and established, as fully, and to all intents and purposes, as if the same had been erected under the provisions of this act; and the said mayor, select and common councils of the city of Erie, are authorized and empowered to proceed, at their discretion, to erect proper posts and lamps on any street or streets, or part of a street, in said gas district, and to light the same with gas.

Certain streets to constitute a gas district.

Mayor and councils to contract for gas, &c.

SECTION 2. That concurrent with the said erection of posts and lamps, as provided for in the first section of this act, and for the payment of the posts and lamps heretofore erected in said city, the said mayor, select and common councils shall, by resolution, levy a tax upon all the real estate within the said gas district aforesaid, to be called the street light tax, sufficient in

Street light tax

amount to pay for the costs and charges of erecting such posts and lamps, and of lighting the same with gas, from the time of their erection to the first day of April then next ensuing, which said tax shall be levied and assessed upon the valuation of the said real estate, made for the purpose of the levying of county rates and levies; and on each and every year thereafter, the said mayor and select and common councils shall levy and assess upon the entire real estate in the said gas district a tax, at the time of levying other city taxes, sufficient in amount to pay for the lighting of the said lamps with gas for the year then next ensuing, which tax shall be levied and assessed upon the valuation aforesaid; and the said taxes shall be collected by the collectors of city taxes, in the same manner and with the same powers of enforcing the collection of the same against the person or personal property found upon any premises so taxed; and the said mayor and select and common councils may, whenever and in their opinion the same would be equitable, appropriate out of the funds of the city such per centage of the cost of lighting said gas district as they may deem proper: *Provided always*, That if the tenant, or any person residing on any premises, shall pay the said street light tax, he may defalcate and set off the same against any rent he may owe, or which thereafter may become due from him for the use of said premises, or he may collect the same of the landlord or owner of the said premises, as debts of like amount are now collected by law: *Provided further*, That the said taxes aforesaid shall be specially set apart and appropriated for the purposes for which they are assessed, and shall not go into the general fund of the city.

Proviso.

Proviso.

Repeal.

SECTION 3. That the first and second sections of the act to which this is a supplement, approved the twenty-ninth day of March, Anno Domini one thousand eight hundred and fifty-five, be and the same are hereby repealed, and that the third section of the said act to which this is a supplement, shall be and remain in full force and virtue.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 190.

A SUPPLEMENT

To an act relative to the Allentown Iron Company, approved the twentieth day of February, Anno Domini one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Allentown iron company to issue bonds under the provisions of the act to which this is a supplement, and secure the same as in the said act it is mentioned, to an amount not exceeding one hundred thousand dollars, in addition to the amount authorized by the said act.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 191.

AN ACT

Authorizing the Township Auditors of Granville township, in Bradford county, to re-examine and settle certain accounts.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That with the consent of a majority of the qualified electors of the township of Granville, in Bradford county, to be ascertained in the manner hereinafter provided, the auditors of said township, at their next regular or adjourned meeting, be and they are hereby authorized and required to open, re-examine and settle the accounts of William Vnoman, Hiram Kenyon and Simon P. Chesley, as road commissioners of said township, so far as relates to the making or constructing a road or roads from, at or near the house of Harrison Ross, to the house of L. F. Clark, and from Marcus Ayres to the depot of the Williamsport and

Auditors to re-examine and settle certain accounts.

May appeal to
the court of com-
mon pleas.

Elmira railroad, in said township, and allowing them all such sum or sums of money, or orders drawn by them for such sum or sums of money as they may have reasonably expended by contract or otherwise upon said road; the said auditors or a majority of them shall strike such balance either against or in favor of said commissioners as to them shall seem just and equitable; from the decision of said auditors either the township or commissioners aforesaid may appeal to the court of common pleas of said county, in the manner provided by law for appeals from reports of township auditors, and upon the hearing and trial of said appeal, the same shall be determined by the court or court and jury upon the principles hereinbefore laid down for the action of the auditors.

Election to be
held for accept-
ing or rejecting
this act.

SECTION 2. That it shall be the duty of the qualified electors of Granville township, on the second Tuesday of June next, to hold an election in said township to express their acceptance or rejection of the provisions of this act, in the following manner, to wit: By depositing ballots which shall have written or printed on the outside thereof the word, "re-examination," and on the inside the words, "for a re-examination," or "against re-examination;" and it shall be the duty of the present officers of election of said township to hold said election on the day provided for by this act, and in the usual way as provided by law for the election of township and county officers; and it shall be the duty of the constable to advertise a notice of the election to be held under the provisions of this act, in the same manner as he is required by law to give notice of the election for township officers.

Duty of election
officers.

SECTION 3. That it shall be the duty of the present officers, after the polls have been closed agreeably to law, to count the ballots and certify the number of votes for and against a re-examination to the clerk of quarter sessions of said county, in the manner provided for certifying the votes for township officers, and if it shall appear that a majority of the votes so given are "for a re-examination," then the auditors shall proceed to re-examine and settle the said account as provided in the first section of this act; but if a majority of votes have been given "against a re-examination," then no further action shall be had upon said proceedings.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 192.

A SUPPLEMENT

To an act supplementary to the act incorporating the Erie and North-East Railroad Company, approved April twenty-second, one thousand eight hundred and fifty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the fifth section of the act, entitled "An Act supplementary to the act incorporating the Erie and North-East railroad company," approved April the twenty-second, one thousand eight hundred and fifty-six, be and the same is hereby repealed: Provided, This act shall not be construed to impair any contract or agreement to try causes now pending in the county of Erie, in which the Erie and North-East railroad company may be a party.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 193.

A FURTHER SUPPLEMENT

To an act to incorporate the Point Breeze Park Association, approved February eighth, one thousand eight hundred and fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Point Breeze Park association shall be and they are hereby authorized to admit, under and subject to such mode of election and rules and regulations as may be prescribed by the board of directors, not exceeding two hundred annual subscribers, who shall pay in advance a sum not less than fifteen dollars, for each year, and for this they shall be allowed the privileges of admission to the grounds and premises of the association, in like manner and under such restrictions as are provided in the case of members: Provided however, That nothing shall be construed to* Annual subscribers, relative to.
 proviso.

give to the said annual subscribers any authority in the administration of the affairs of the association.

Authorized to
give premiums.

SECTION 2. That for the improvement of the breed of horses, the said association are authorized to hold exhibitions for the development of their speed, or other desired qualities, and to encourage and incite competition therein, may offer and give premiums for superiority in the objects sought for; such premiums, however, not to exceed the surplus net revenue of the association, in any one fiscal year: *Provided*, That if any person or persons shall enter, start or run any horse, mare or gelding, for any plate, prize, wager, bet, sum of money, or other valuable thing, every such person so offending, shall, upon conviction thereof before any alderman or justice of the peace, in and for Philadelphia city or county, forfeit and pay the sum of fifty dollars, one half of which sum shall go to the informer, and the other half to the common school fund of Philadelphia city and county: *Provided*, That all informations under this act, shall be made within forty-eight hours after the commission of the offence: *Provided further*, That nothing herein contained shall prohibit the directors of the company from offering or paying such premiums for stock exhibited, and their performances, in the manner and for the object heretofore exercised by the state and county agricultural societies for the improvement of the breed of horses, cattle, and live stock generally: *Provided*, That no person except members, annual subscribers, and such other persons as are admissible under the by-laws, shall be admitted to such exhibitions: *And further provided*, That no charge for admission to such exhibitions shall be, at any time, made or sanctioned by the said association, under penalty of the immediate forfeiture of the privileges granted by this section.

Proviso

When to go into
effect.

SECTION 3. That this act shall not go into effect, unless approved by a majority of members present at a meeting called for that purpose; notice of which shall have been given to each member at least one week previous to such meeting, and which notice shall have appended to it the supplement hereby granted: *Provided*, That a majority, in like manner, at any time subsequent to its acceptance, may, at a meeting duly notified and called for that purpose, suspend all or any of the privileges hereby granted, until resumed by a majority as is herein directed

Proviso.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 194.

A N A C T

To authorize the Empire Coal Company, in Luzerne county, to issue preferred stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the Empire coal company, in addition to the capital stock already issued, to create, issue and dispose of stock to an amount not exceeding in the aggregate seventy-five thousand dollars, and to give to said additional stock such preference over the stock already issued as the board of directors of said company shall by resolution determine. May issue preferred stock.

SECTION 2. That the said company is hereby authorized and empowered to grant, bargain, sell and convey all and any portion and portions of the real estate now owned, or which may hereafter be owned by said company, whenever in the opinion of the board of directors of said company, expressed by resolution, that any such sale may be deemed expedient, and to take and hold bond or bonds and mortgage or mortgages, or other securities, in payment therefor. May sell real estate.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 195.

A N A C T

To release the Prothonotary of Lawrence county from the payment of certain Taxes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer is hereby authorized to refund to John S. Pomeroy, of Lawrence county, the amount of taxes paid by him

LAWS OF PENNSYLVANIA,

on his several commissions as prothonotary and clerk of the courts of said county, dated the second day of October, Anno Domini one thousand eight hundred and fifty-seven.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 196.

A N A C T

To confer on Mary E. Tidball the rights and privileges of a child born in lawful wedlock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Mary E. Tidball, of New Castle, in the county of Lawrence, daughter of David Tidball and Martha Dickson, shall have and enjoy all the rights and privileges of a child born in lawful wedlock, and shall be able and capable in law to inherit and transmit any estate whatsoever, as fully and effectually as if she had been born in lawful wedlock.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 197.

A SUPPLEMENT

To an act to incorporate the Bedford Iron Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time fixed in the act, entitled "An Act to incorporate the Bedford iron company," approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, for the holding of the first election of directors of said company, be extended until the first day of September next; and that the notice required to be given of said election shall be given in two newspapers in the city of Philadelphia; and that the real estate which said company are authorized to hold by the said act may lie in Bedford and Huntingdon counties; that the provisions of an act, entitled "An Act to repeal certain acts of assembly upon non-payment of the enrolment tax," approved twenty-second day of April, Anno Domini one thousand eight hundred and fifty-six, shall not apply to the act incorporating the Bedford iron company: *Provided,* That the enrolment tax be paid within ninety days after the passage of this act.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 198.

AN ACT

To extend the time for which Constables are Elected in the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the term of service of the constables of the several wards of the city of Philadelphia be and is hereby extended to two years, said constables to be elected on the first Tuesday in May, A. D.

eighteen hundred and fifty-eight; and in case of vacancy by death, resignation or otherwise, the vacancy so occurring shall be filled at the first annual election in May thereafter; and the persons so elected shall be required to enter security and be duly commissioned by the court of quarter sessions in accordance with the provisions of existing laws: *Provided*, That the provisions of this act shall not extend or apply to the Twenty-first, Twenty-second, Twenty-third and Twenty-fourth wards of said city.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 199.

A SUPPLEMENT

To an act authorizing the Governor to incorporate the West Chester and Wilmington Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time limited for the completion of said plank road be and is hereby extended to the twenty-third day of March, Anno Domini one thousand eight hundred and sixty-four.

Time for completion extended.

May change road

SECTION 2. That the said company is hereby authorized and empowered to change the said plank road into a macadamized road, and to retain all the privileges of a plank road company, and be subject to all the provisions and restrictions of the laws of this commonwealth regulating plank road companies; and the said company shall have power to levy tolls on parts of said road less than two miles in extent, at a rate not to exceed two cents per mile per single horse.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 200.

A N A C T

Supplementary to an act authorizing the Mayor, Aldermen and Citizens of the city of Pittsburg, to re-build or repair the aqueduct over the Allegheny river at said city, approved on the nineteenth day of January, Anno Domini one thousand eight hundred and forty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the canal commissioners are hereby authorized and required forthwith to examine the account of the city of Pittsburg for re-building or repairing the aqueduct over the Allegheny river at said city, in accordance with the third section of the act to which this is a supplement, and to report the result thereof to the Senate and House of Representatives.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 201.

A S U P P L E M E N T

To an act to incorporate the Commercial Fire Insurance Company of Pennsylvania, approved the twenty-third day of February, Anno Domini one thousand eight hundred and forty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall and may be lawful for the stockholders of the Commercial fire insurance company of Pennsylvania to elect twenty-four directors, in lieu of the number now required by the third section of the act to which this is a supplement.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 202.

A N A C T

To incorporate the Citizens Passenger Railway Company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Commissioners. Amos Ellis, Jacob Peters, William Bonsall, James S. Reeves, Almon B. Walters, Edward P. Dunn, Peter Ambruster, Volney J. Frazier, Benjamin Shell, Thomas H. Forsyth, Gillies Dallett, Lewis T. Mears, Andrew Benner, Edward R. Helmbold, David M'Clain, Benjamin H. Shedaker, John Alexander, Stephen Benton, George Kirkpatrick, David M. Uber, Hugh Clarke, T. R. G. Hinkle, George Simpson, James H. Stroup, William G. Audenried, John Kensel, Michael Cahill, John J. Meany, William M. Randall, Benjamin Barton, Doctor D. B. Whipple, Benjamin Davis, Willis J. Hocker, N. R. Morsely, M. D., Joseph Collins, John M'Carthy and William Seybert, of the city of Philadelphia, or a majority of them, be and they are hereby appointed commissioners to open books for the purpose of receiving subscriptions to the capital stock of the company hereby directed to be

Style incorporated by the name, style and title of the Citizens Passenger railway company of Philadelphia, with power to lay out and

Route construct a railway from the intersection of Tenth and Lancaster streets; thence along said Lancaster street to Broad street; thence along said Broad street to Columbia street; thence along Columbia street to Eleventh street; thence along Eleventh street to Reed street; thence along said Reed street to Tenth street;

Proviso. thence along said Tenth street to the place of beginning: *Provided*, That any passenger railroad that may be hereafter incorporated, connecting with or crossing the Citizens Passenger railroad, shall have the right, by paying one-half of the expenses of construction of that part of the road used to run their cars over, said road lying between Ridge avenue and Arch street, and shall have power to convey passengers over the same; and the said company shall also have the right to purchase real estate, and erect thereon such buildings and improvements as may be deemed expedient and necessary for the purposes of said company, and also to purchase the necessary equipments for said railways; and no freight or burden trains, or locomotives, shall be permitted to pass over the same.

Capital *SECTION 2.* That the capital stock of said company shall consist of ten thousand shares of fifty dollars each: *Provided*, That said company may, from time to time, by a vote of the stockholders, at a meeting convened for that purpose, increase their capital stock as much as may be necessary to complete said railway or railways, and to carry out the true intent and meaning of this act.

Dividends. *SECTION 3.* That dividends of so much of the profits of said company as shall appear advisable to the directors, shall be

declared in the months of January and July, in each and every year, and be paid at the office of said company any time after ten days from the time of declaring the same; but said dividends shall in no case exceed the amount of the net profits of said company, so that the capital stock shall never be impaired thereby; and if said directors shall make any dividend impairing the capital stock of said company, the directors consenting thereto shall be liable, in their individual capacities, to said company, for the amount so divided, and each director present when such dividend shall be declared, shall be considered as consenting thereto, unless he or they enter protest upon the minutes of the board, and give public notice of the same.

SECTION 4. That the said company shall make and have a common seal, and the same to alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary or convenient for the government of said corporation, and not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due ordering and managing of the affairs thereof.

Seal.

By-laws, ordinances, &c.

SECTION 5. That said company shall have power to elect or appoint a president and five directors (a majority of whom, with the president, shall be citizens of Philadelphia) and such other officers as may be deemed necessary or expedient, and in every election for officers each share of stock shall entitle the holder to one vote.

Officers.

SECTION 6. That said company shall have power to raise, on bonds, any sum not exceeding one-half of their capital stock actually paid, for the purpose of carrying out the true intent of this act.

May issue bonds

SECTION 7. That the said railroad company shall not connect with any railroad, other than for passenger purposes, and of the same gauge, under the penalty of a forfeiture of their charter; and the said company shall annually pay into the treasury of the city of Philadelphia, for the use of said city, whenever the dividends shall exceed six per centum per annum on the capital stock, the sum of six per centum on the said dividends thus declared; and the said company, before commencing to use said road upon the said streets, shall purchase, at the option of the owners, the stock of horses, omnibusses, sleighs and harness owned and used upon the said streets at the time of commencing the said road, at a price to be assessed in the following manner: The said owners shall choose one disinterested person, and the said company shall choose a second person, and the two thus chosen shall choose a third, who, together, shall be disinterested persons, and shall appraise such stock, and the value thus arrived at shall be binding and final: *Provided*, That whenever any damages may be sustained by reason of this company taking possession of lands or other property other than above described, except so far as the usufruct of the before-named streets necessary to the full and perfect enjoyment of the purposes by this act designed, the said damages shall be assessed and paid in the manner and according to the provisions of the eleventh section

Must not connect with any other than passenger railway.

Purchase of omnibuses, &c.

Damages.

Subject to

Consent of city
councils to be ob-
tained.

of the act of nineteenth of February, Anno Domini one thousand eight hundred and forty-nine, entitled "An Act regulating railroad companies," and the several supplements thereto: *And provided further*, That before the said company shall use and occupy the said streets, the consent of the councils of the city of Philadelphia shall be first obtained; and said consent shall be taken and deemed to have been given if said councils shall not within thirty days after the passage of this act, by ordinances duly passed, signify their disapproval thereof; and said councils may, from time to time, by ordinance, establish such regulations in regard to said railway as may be required for the paving, re-paving, grading, culverting and the laying of gas and water pipes in and along said streets, and to prevent obstructions thereon.

Must conform to
grades of streets.

SECTION 8. That said company, in constructing said road, shall conform to the grades now established, or hereafter to be by law established, of the several streets and avenues traversed by said road, and keep said streets and avenues in perpetual good repair at the proper expense of said company.

Subject to the
use by any other
passenger rail-
way.

SECTION 9. The said railway, on the route described, shall be subject to the use of any part or parts thereof, by any other passenger railroad company, for the purpose of completing a route or making a circuit upon, upon such terms and conditions as may be agreed upon by such other companies and the said Citizens Passenger railroad company; and in case the companies cannot agree, then upon such terms and conditions as shall be prescribed by the councils of the city of Philadelphia.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 203.

S U P P L E M E N T

To an act laying a Tax on Dogs in the Borough of West Chester, and certain Townships in the county of Chester, approved the fourteenth day of April, one thousand eight hundred and forty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the provisions of an act, entitled "An Act laying a tax on dogs in the borough of West Chester, and certain townships in the county of Chester, and for other purposes," approved the fourteenth day of April, one thousand eight hundred and forty-six, be and the same are hereby extended to the township of West Brandywine, in Chester county, and the townships of Bart, Cole-rain and Sadsbury, in the county of Lancaster, together with the provisions of a supplement thereto, approved the third day of February, one thousand eight hundred and forty-eight.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 204.

AN ACT

To incorporate the Willowgrove and Davisville Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Owen K. Kimble, Benjamin Stoker, Joseph Tyson, Jacob B. Commissioners Tyson, Benjamin T. Hallowell, Jacob E. Buck, Joseph Lukens, Henry Morris, Benjamin Morgan, William Kimble, Isaiah Kimble, Thomas Ritche, William Ritche, John Kelley, Stephen Walton, Nathan Shoemaker, Algernon Shoemaker, or any five of them, are hereby appointed to open books, receive subscriptions, and organize a company by the name, style and title of the Style and route. Willowgrove and Davisville turnpike road company, to locate and construct a turnpike road from the village of Willowgrove, Montgomery county, Pennsylvania, to Kimble's corner, and thence to the county line road dividing Bucks and Montgomery counties, subject to all the provisions and restrictions of an act Subject to. regulating turnpike and plank road companies, approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto.

SECTION 2. That the capital stock of said company shall con- Capital. sist of six hundred shares at twenty-five dollars per share: *Provided*, That the said company may, from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required

to complete said road according to the true intent and meaning of said act.

Limitation.

SECTION 3. That if the said company shall not commence the construction of said road within three years, and complete the same within six years, this act shall be null and void, except so far as may be necessary to settle the affairs of the company.

Location.

SECTION 4. That the said company is hereby authorized to locate its turnpike road on the public highway, wherever it may be found necessary or convenient by the said company so to do.

Vacancies.

SECTION 5. That it shall be lawful for the board of managers of said company to fill vacancies occurring in said board, by death or resignation, until the next succeeding annual election.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 205.

AN ACT

Supplementary to the several acts heretofore passed relative to the Danville and Pottsville Railroad, and the Philadelphia and Sunbury Railroad Company.

Preamble.

WHEREAS, By virtue of proceedings under a certain mortgage given by the Philadelphia and Sunbury railroad company, the Philadelphia and Sunbury railroad, from its terminus at Sunbury to its intersection with the extension of the Mine Hill and Schuylkill Haven railroad, with its corporate franchises and appurtenances, together with all its locomotive engines and cars, and also seven several tracts of land situate upon the waters of Shamokin creek, have been sold at public sale by the sheriff of Northumberland county, by virtue of an execution issued upon proceedings on a mortgage given by said company, and a deed duly executed therefor, the same having been purchased for and on account of various holders of mortgage bonds of said company who are desirous of fully enjoying the rights, estates and franchises so purchased by them; therefore,

Constituted a
body politic.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the person or persons for and on whose account said railroad, engines, cars and tracts of land were purchased, be and they are*

hereby constituted a body politic and corporate, in deed and in law, under the name and style of the Shamokin Valley and Pottsville railroad company, with all the rights, powers, privileges, immunities, franchises and appurtenances heretofore granted or conferred on the said Danville and Pottsville railroad company, Powers, &c. and Philadelphia and Sunbury railroad company, or either of them, by any act or acts of assembly whatever, and subject to all the restrictions now imposed on said companies, or either of them, by virtue of any such act or acts, except so far as such rights, powers, franchises or restrictions are increased or modified hereby. The capital of said company to be one million of Capital. dollars, divided into shares of fifty dollars each, with the privilege to increase the same to one million and a half of dollars, with full power and authority on the part of said company to borrow such sums of money, not exceeding one million of dollars, at such rates of interest not exceeding ten per centum per annum, and issue the bonds of the company in sums of not less than one hundred dollars each, and mortgage the corporate franchises and estate, real or personal, or any part thereof of said company to secure the same; as also, if deemed proper, to create any such additional stock issued over one million of dollars preferred stock, upon such terms and with such privileges as they may deem proper, with further full power and authority, on the part of said company, to purchase, either by themselves or from any other party holding and owning the same, any remaining portion or route of said Philadelphia and Sunbury railroad not yet completed and finished, and complete and finish the same at any time hereafter within eight years from the passage of this act; it being further provided that the company hereby incorporated may at any time hereafter connect with the Mine Hill, Mount Carbon or Mill Creek railroads, or all of them, or the Northern Central railway at or near Sunbury.

SECTION 2. That the present owners of said road, estate and property under said sheriff's sale, shall meet in the city of Philadelphia within fifteen days after the passage of this act, due notice thereof having been given, five days previously, in two daily papers published in the city of Philadelphia, and elect a president and six managers who shall continue in office until the first Monday of May, Anno Domini one thousand eight hundred and fifty-eight, when, and annually thereafter on the same day, an election of president and six managers, to serve for one year, Officers. shall be held as prescribed in the several acts relative to said companies, which were in force at the time of such sheriff's sale: *Provided*, That no sale of the said unfinished portion of Proviso. said railroad shall be made, except a public sale on such notice as is usual in sheriff's sales of real estate, and the proceedings thereof shall be distributed among the creditors according to law.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 206.

AN ACT

To change the mode of electing Overseers of the Poor in the county of Lawrence.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* at the next spring election in the county of Lawrence, the qualified electors of the several boroughs and townships of said county, shall vote for two persons to serve as overseers of the poor of said boroughs and townships, the one receiving the highest number of votes to serve for two years, and the one receiving the next highest number of votes to serve for one year from the expiration of the term of the present overseers of the poor; and that annually thereafter there shall be one person voted for, to serve as overseer of the poor for two years.

SECTION 2. That such parts of any law which is hereby amended or altered, be and the same is hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 207.

AN ACT

To confirm title to certain real estate in the county of Bucks.

WHEREAS, Garret B. Messer, on the nineteenth day of May, eighteen hundred and nineteen, conveyed by deed, in fee simple, a certain lot of land in Northampton township, in the county of Bucks, to Adrian Cornell, Augustine Mitchell, John S. Cornell, Abraham Vanhorn and Gilliam Cornell, their heirs and successors forever, for school purposes:

And whereas, The school directors of said township are desirous to build a new school house on said lot, for the uses and purposes designed by the original grantor, and there being some

doubts as to the validity of their title to the said lot of land without a special act of the legislature; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the title to the lot or parcel of land situated in Northampton township, and described as follows: Beginning at a stone in the cross roads at David Cornell's corner; thence by the said David Cornell's land south six degrees east twelve perches; thence south eighty-five degrees west thirteen perches and four-tenths by Gilliam Cornell's land to the Newtown road; thence along the same to the place of beginning, containing one-half acre of land, being the same lot of land conveyed by the said Garret B. Messer to Adrian Cornell, and others, in trust for the use of erecting a school house thereon, shall be and the same is hereby vested in the school directors of Northampton township, and their successors in office forever, for the uses and purposes above named.*

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-sixth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 208.

A N A C T

Validating and confirming the charter of the Northampton Coal Company.

WHEREAS, On the fifteenth day of August, Anno Domini one thousand eight hundred and fifty-four, there was filed in the office of the secretary of the commonwealth the certificate of the directors of the Northampton coal company, drawn, or intended to be drawn, in accordance with the provisions of the act of assembly, approved the seventh day of April, Anno Domini one thousand eight hundred and forty-nine, entitled "An Act to encourage manufacturing operations in this commonwealth," and its several supplements, which said certificate had been before duly recorded in the office of the recorder of deeds, et cetera, in and for the county of Luzerne:

And whereas, The said the Northampton coal company have, since the said fifteenth day of August, Anno Domini one thousand eight hundred and fifty-four, used and exercised the rights and privileges of a body corporate, and have received and taken conveyances of divers large bodies of lands in the said county,

and have paid to the secretary of the commonwealth the instalments upon the tax or bonus of one-half of one per centum on their capital stock, so far as the same have fallen due :

And whereas, It has been alleged that there are certain informalities and defects in the said certificate, and the proceedings connected with the said charter; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said charter of incorporation be and the same is hereby made good and valid, to all intents and purposes, as though the requisitions of the said act, and its several supplements, had been fully complied with, and that the said the Northampton coal company be a corporation or body politic in law, under and subject to the provisions of this act and its said supplements, with the capital stock, corporate name, object and other qualifications set forth in the said certificate; and that the said the Northampton coal company is hereby declared to have been such corporation since the said fifteenth day of August, Anno Domini one thousand eight hundred and fifty-four; and that the title of the said the Northampton coal company to the real estate heretofore conveyed to it, be and the same is hereby confirmed: *Provided,* That the said corporation shall pay to the secretary of the commonwealth the balance of the instalments on one-half of one per centum of their capital stock, as required by the said act.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-sixth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 209.

AN ACT

Relative to certain township Elections in the county of Cambria.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the qualified electors of the townships of Conemaugh and Yoder, in the county of Cambria, to elect judges and inspectors, and all township officers authorized to be elected by law in the several townships of said county, on the ninth day

Conemaugh and
Yoder townships,
elections in fixed.

of April, Anno Domini one thousand eight hundred and fifty-eight, to serve for the present year; the election in Conemaugh township, to be held at Singer's school house, in said township; and in Yoder township, at the school house in Cambria city; and all elections in said townships shall hereafter be held at said places.

SECTION 2. That the electors who shall be assembled at said places, for holding the elections authorized by this act, at the usual time of opening elections, shall select judges and inspectors for holding said elections; which said elections shall be held and conducted in all other respects as elections are required by law to be held and conducted. Now elections to be held, &c.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-sixth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 210.

A SUPPLEMENT

To an act authorizing the Governor to incorporate the Perrysville and Zelienople Turnpike or Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the Perrysville Zelienople turnpike or plank road company, are hereby authorized and empowered to re-construct said turnpike or plank road from time to time, as occasion may require, with plank, stone, slate, or other hard substance.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 211.

A SUPPLEMENT

To an act to prevent Fishing with Seines or Nets, in the Conococheague creek and Falling spring, in Franklin county, and Jacob's creek, in the counties of Westmoreland and Fayette.

East Conoco-
cheague creek,
mode of fishing
in prescribed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this supplement, it shall be lawful to fish in the East Conococheague, with nets of all descriptions, except seines, during seven months in the year, viz: From the first day of July, in each and every year, until the first day of February following; and that during the balance of the year it shall be unlawful to fish therein, except as hereinbefore, and in the act to which this is a supplement: *Provided, That* during the seven months hereinbefore mentioned, it shall be lawful to fish in the Falling spring, as above provided, during that time, for the East Conococheague, and that during the balance of the year it shall be unlawful to take fish therefrom, in any manner except by angling.

Falling spring.

Penalty.

SECTION 2. That any person or persons violating this supplement, shall pay a penalty of twenty-five dollars, to be recovered and appropriated as provided in the act to which this is a supplement, or in default thereof, shall be imprisoned in the county jail, for the period of ten days, or until the same shall be paid, with costs.

Time extended.

SECTION 3. That the time of the operation of the act of assembly, to which this is a supplement, be and hereby is extended for five years longer than therein provided.

Repeal

SECTION 4. That any and every section of the act to which this is a supplement, inconsistent herewith, be and the same is hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 212.

AN ACT

Relating to the Columbia Water Company.

WHEREAS, The Columbia water company, in the county of Lancaster, owing to divers misfortunes, losses, et cetera, is unable to meet and discharge its liabilities: Preamble.

And whereas, The managers of the said company, on the day of _____, Anno Domini one thousand eight hundred and fifty-seven, executed a deed of voluntary assignment, by which they conveyed all and singular their real and personal estate, together with all the rights, privileges and franchises, to Thomas Lloyd, esquire, of the borough of Columbia, in trust for the benefit of the creditors of said company; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said assignee of the said Columbia water company be and he is hereby authorized and empowered to have, enjoy and exercise all and singular the rights, privileges and immunities heretofore had, enjoyed and exercised by the said company, so far as the control and management of the said company's works are concerned; that all laws, or parts of laws, heretofore passed, for the regulation of the said company in the collection of its water rents and other debts, shall be held and enjoyed by the said assignee, or his successor, as fully and effectually as they were by the said company previous to, and at the time of their assignment: *Provided,* That the assignee shall be subject to the direction of the managers. Power and authority of assignee.

SECTION 2. That the said assignee, or his successor, is hereby authorized and empowered to dispose of the property of the said company, in accordance with the provisions of the act of the fourteenth June, Anno Domini one thousand eight hundred and thirty-six, entitled "An Act relating to assignees for the benefit of creditors and other trustees," and its several supplements. Property of the company, how to be disposed of.

SECTION 3. That in the event of the sale of the works and property of the said company, all the rights, privileges and franchises and immunities heretofore held and enjoyed by said company, shall inure to the purchaser or purchasers, as fully and effectually as they were at any time held by the said Columbia water company; and the said purchasers are hereby created a body politic, in law and in fact, with the enjoyment of all the rights, and subject to all the restrictions, now or heretofore held and enjoyed by the said company, or to which they are now subject. Rights, privileges, immunities, &c.; to inure to the purchaser.

Repeal.

SECTION 4. That all laws, or parts of laws, heretofore passed, inconsistent with this act, be and the same are hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 213.

A FURTHER SUPPLEMENT

To an act to erect the town of Huntingdon, in the county of Huntingdon, into a Borough, passed March twenty-ninth, one thousand seven hundred and ninety-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That at the next annal election, on the first Monday of April, the qualified electors of the borough of Huntingdon, in the county of Huntingdon, shall choose, in the usual manner, three burgesses and nine members of the town council, and that as soon as convenient after the election of said officers, they shall assemble together for the purpose of determining the term of their service respectfully, as prescribed in the succeeding sections of this act.

Burgesses and
members of coun-
cil to be elected.

Terms of service,
how determined.

SECTION 2. That three tickets shall be prepared having written upon them respectively the words, "one," "two" and "three," and placed in a box, from which each of said burgesses shall draw one ticket, and the burgess thus obtaining the ticket marked "three" shall serve for the term of three years, and the one obtaining the ticket marked "two" shall serve for the term of two years, and the one obtaining the ticket marked "one" shall serve for the term of one year; and each of said burgesses, and any hereafter elected, shall during the last year of the term for which he was elected, become and perform the duties of chief burgess.

Chief burgess.

Members of town
council, terms of
service, how de-
termined.

SECTION 3. That nine tickets shall be prepared, three of which shall have written upon them the word "three," three with the word "two," and three with the word "one," and shall be placed in a box, from which each member of the town council elect shall draw one ticket, and the number written upon it shall indicate the year or years of his service in such capacity.

Election of bur-
gess and council.

SECTION 4. That annually hereafter the qualified electors of said borough shall choose one burgess and three members of the town council to serve for the term of three years; and that any

person elected to supply a vacancy occasioned by the death, resignation, removal from the borough, or otherwise, of a burgess or member of the town council, shall serve for the unexpired term of said officer.

SECTION 5. That so much of any act of assembly relating to Repeal. the said borough of Huntingdon as is inconsistent with the provisions of this act is hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 214.

AN ACT

Relative to Franklin School District, in Clarion county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Franklin school district, erected by the court of quarter sessions of Clarion county, out of parts of Clarion, Millcreek and Highland townships, in said county, in pursuance of the fifth section of the act of the eighth of May, one thousand eight hundred and fifty-five, entitled "A further supplement to an act for the regulation and continuance of a system of education by common schools," et cetera, be and the same is hereby confirmed, within the limits approved by said court, as an independent school district, with the corporate powers of existing districts, and subject to the general laws of this commonwealth relating to common schools, except as hereinafter provided. Franklin school district, relative to.

SECTION 2. That the election of school directors for said district, held on the twenty-first day of October, one thousand eight hundred and fifty-six, in pursuance of an order of said court, is hereby legalized and confirmed, and the said directors shall hold their offices for the terms for which they were respectively elected, and until their successors are regularly elected or appointed. Election of school directors legalized and confirmed.

SECTION 3. That it shall be lawful to hold an election annually hereafter, at school house number one, in said district, on the last Monday of October, between the hours of one and six o'clock, P. M., at which time and place the qualified electors of said dis- Election, when to be held.

trict shall elect two persons to serve as school directors for three years.

Inspectors, duty of.

SECTION 4. That the directors who shall have been chosen one year next preceding any such election, shall act as inspectors thereof, and shall have power to appoint one suitable person as judge, and two suitable persons as clerks of said election, and in case of any vacancy occurring by reason of the absence of any such inspector, or their failure to appoint any such judge or clerk, until two o'clock of such day of election, it shall then be lawful for a majority of the qualified electors present, to proceed, *viva voce*, to fill such vacancy or vacancies: *Provided*, That William Wilson and David Dunkle shall act as inspectors at the first election hereafter held in pursuance of this act.

Proviso.

Secretary, duty of.

SECTION 5. That the secretary of said board of directors shall annually give ten days' notice of the time and place of holding said election, by at least five written or printed advertisements posted up in the most public places within said district.

Compensation.

SECTION 6. That the election officers aforesaid shall be entitled to fifty cents each, out of the district funds, for holding said annual election; and the person appointed to make return of such election to the proper court, shall be entitled to fifty cents for so doing: *Provided*, That said elections shall be conducted in all other respects according to law.

Proviso.

State appropriation, taxes.

SECTION 7. That said district is hereby authorized to receive, from the several districts out of which it is erected, its just proportion of the state appropriation, and of the taxes levied and assessed for school purposes for and during the present school year, such share or proportion to be adjusted by the court of quarter sessions aforesaid, in the manner prescribed by the sixth section of the act of eighth May, one thousand eight hundred and fifty-five, above cited.

Power of court of quarter sessions.

SECTION 8. That the court of quarter sessions of said county shall have power to fix the time and place, and prescribe the manner of holding the elections of directors hereafter within said district: *Provided*, That such elections shall be conducted in pursuance of the general laws of this commonwealth, so far as the same are applicable.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 215.

A N A C T

To authorize the State Treasurer to pay the interest on certain Bonds of the Commonwealth now in the Bank of Pennsylvania.

WHEREAS, The Bank of Pennsylvania, the agent of the commonwealth for the disbursement of the interest on the public loans, on the seventeenth day of February last made a general assignment for the benefit of creditors:

And whereas, At that time there was in said bank arrears of interest due prior to the first of January, one thousand eight hundred and fifty-eight, the sum of twenty-five thousand eight hundred and forty-eight dollars and fifty-five cents, which the assignees of said bank refuse to pay; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the state treasurer be and he is hereby directed to pay to the loanholders, respectively, out of any money in the treasury not otherwise appropriated, any arrears of interest which may be due as aforesaid, upon the presentation of the same to the treasury.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 216.

A N A C T

Authorizing the laying out of a road from Morrison Post Office, in Luzerne county, by way of the Lehigh Tannery, to a point at or near Gould's Store House, in Carbon county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That William H. Alexander and David Dean, of Luzerne county, and Commissioners.

John Gould, of Carbon county, be and they are hereby appointed commissioners to view, lay out and mark a state road, beginning at a point on the road leading from White Haven to Mauch Chunk, near the post office at Morrison, Luzerne county, and near where the road leading to Fillmore (now called Eckley) branches off, in the township of Foster, Luzerne county, and thence by the way of the Lehigh tannery, to a point at or near Gould's store, on the public road leading from Saylorsville to the mouth of Hickory run, in Carbon county.

Duties.

SECTION 2. That it shall be the duty of the said commissioners, after being duly sworn or affirmed before some judge or justice of the peace to perform the duties enjoined by this act with fidelity, carefully to view the ground over which said road is to pass, and lay out the same of such width as is provided by law in cases of roads laid out by directions of the courts, and shall distinctly mark the road so laid out by them.

Draft.

SECTION 3. That said commissioners shall make out a full and accurate draft of the road so laid out by them, stating the different bearings and distances of the same, with the width thereof, and file copies thereof in the office of the clerk of the courts of quarter sessions of the said counties of Carbon and Luzerne, and from thenceforth the said road shall be held and deemed a public highway, and shall be opened and repaired by the people of the townships that said road passes through, as roads laid out by courts are made, opened and repaired.

When road to be located and reports filed.

SECTION 4. That the said road shall be so located, and reports thereof filed as aforesaid, before the first day of June next. That if any vacancy occur in the number of commissioners by death, resignation or otherwise, the same shall be supplied by the remaining commissioner or commissioners, selecting suitable person or persons to constitute a board of at least three members.

Compensation and by whom paid.

SECTION 5. That the said commissioners are hereby enjoined to employ one surveyor, at a per diem of not exceeding three dollars, two chain carriers, and if they shall deem it necessary, two axemen, at a per diem not exceeding one dollar and fifty cents each; and that the said commissioners shall respectively receive a per diem of three dollars each, for each and every day necessarily employed in the discharge of the duties enjoined by this act, which shall be paid by the treasurers of the counties through which the road may be laid out, upon the rendition of the accounts of said commissioners, in proportion to the time employed in each county.

Duty of supervisors.

SECTION 6. That it shall be the duty of the supervisors of the several townships through which the said road shall pass, upon notice given, to proceed to open and make said road, under the same provisions as if said road had been laid out by the respective courts of quarter sessions.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 217.

A SUPPLEMENT

To the act, entitled "An Act to incorporate the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in case of a vacancy occurring in the select council, by death, resignation or otherwise, and such vacancy taking place during the first year of the term, the qualified voters of such ward shall, at the annual election in May succeeding such vacancy, elect one person duly qualified to serve for one year.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 218.

A N A C T

Authorizing the citizens of the Twenty-third ward of the city of Philadelphia, to elect a member of the Board of Guardians of the Poor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the qualified voters of the first, second and third divisions of the Twenty-third ward of the city of Philadelphia, shall, at the first municipal election in said city after the passage of this act, and annually thereafter, elect one citizen as a member of the board of guardians of the poor of said city.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 219.

A SUPPLEMENT

To the several acts incorporating the Cumberland Valley Railroad Company.

WHEREAS, In the agreement to fund the preferred stocks of the Cumberland Valley railroad company, it was arranged at a general meeting of all the stockholders, that the charter should be so altered as that at all future elections or meetings of the said stockholders, each share of stock should entitle the holder to one vote; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That at all future elections and meetings of the stockholders of the Cumberland Valley railroad company, each share of the capital stock shall entitle the holder to one vote.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 220.

AN ACT

To legalize the place of holding elections in the township of Gibson, county of Susquehanna.

WHEREAS, In pursuance of an order of the court of quarter sessions of Susquehanna county, a special election was held in the township of Gibson, in said county, on Friday, the nineteenth day of February last past, to determine the question of the removal of the place for holding the general, special and township elections in said township, which resulted in one hundred and six votes "for a change,;" and forty-six votes "against a change," but in consequence of some misapprehensions upon the subject, said election was not held by the proper board of election officers, but by the election board of one thousand eight hundred and fifty-six:

And whereas, There is no place to hold the next general election until the place designated at said election be legalized; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said special election held in said township to determine the question of the removal of the place for holding the general, special and township elections, in said township, be declared legal and valid, to all intents and purposes, as if the law in all particulars had been complied with.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 221.

A N A C T

Relative to Constables in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the qualified voters of the city of Philadelphia shall, at their next municipal election, elect, in each ward, as many constables as they have aldermen; and whenever, by a vote of the qualified citizens, they shall increase the number of aldermen, the number of constables shall also be increased: *Provided,* That this act shall not apply to the Twenty-first, Twenty-second, Twenty-third and Twenty-fourth wards of said city.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 222.

A N A C T

To repeal all special laws relating to Roads, Supervisors, Overseers of Poor, in the township of Preston, county of Wayne.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all laws and parts of laws heretofore passed, specially for and applicable to roads, supervisors and overseers of the poor of the township of Preston, county of Wayne, be and the same are hereby repealed, and that hereafter the electors of said township shall elect three supervisors, annually, to hold their office for one year, and until their successors shall be duly qualified; and that in all respects said township, so far as relates to township officers, shall be subject to the provisions of the act of fifteenth April, one thousand eight hundred and thirty-four, except as to meeting of township auditors, who shall meet on the Monday following the day for holding township elections.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 223.

A S U P P L E M E N T

To an act to appoint Commissioners to view and lay out a State Road in Warren and Venango counties, approved the twenty-second day of April, Anno Domini one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the powers of the commissioners appointed by the act to which this is a supplement, approved April twenty-second, Anno Domini one thousand eight hundred and fifty-seven, are hereby enlarged so as to authorize the said commissioners to extend said state*

road from Pleasantville to the mouth of Oil creek, in the county of Venango.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 224.

A N A C T

Granting Damages to Jonathan C. Baldwin.

WHEREAS, Jonathan C. Baldwin, of the county of Chester, was possessed of a railroad crossing and turn-out, of some two hundred feet in length, at his kilns, on the Philadelphia and Columbia railroad, near Downingtown, in the year eighteen hundred and fifty-three:

And whereas, In re-laying the north track of said railroad, the said crossing and turn-out was taken up, and the iron thereof appropriated to the use of the commonwealth, and its equivalent never returned, which facts are set forth by the certificates of J. B. Baker, superintendent, and R. Darlington, assistant superintendent of motive power on said road:

And whereas, The value of said iron has been appraised and valued by two reputable citizens; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby instructed to examine the claim of Jonathan C. Baldwin, for damages incurred in re-laying the north track of the Columbia railroad, and report the amount due to the said Baldwin, if any thing is ascertained to be due, to the legislature.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 225.

AN ACT

To incorporate the West Philadelphia Industrial School.

WHEREAS, A number of persons have associated together for the purpose of establishing, in the Twenty-fourth ward of the city of Philadelphia, an industrial school, where poor female children and young girls may receive the advantages of a good English education, and at the same time be instructed in dress-making, plain sewing, the making of artificial flowers, et cetera, so as to fit them to become intelligent and useful members of society; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Eliza Gillespie, Anna Cretien, Frances O'Reilly, Mary Vanier, Ellen Kerr, Elizabeth Dacon, Ellen Hopkins, Elizabeth Braiser, Mary D. Colahan, Mary A. T. Eagle, J. C. Hamilton, Mary Bastible, Sarah Anna Brown, Ella Howard, and their successors, be and they are hereby created and declared a corporation or body politic in law, by the name, style and title of the West Philadelphia industrial school, and by that title shall have perpetual succession, with power to have a common seal, to make contracts, to sue and be sued, and to receive, take and hold real and personal estate whatsoever; and the same to sell, mortgage and convey to any person or persons; to elect or appoint their associates or successors; to choose such officers as they may deem necessary, and to make all needful by-laws, rules and regulations for the government of the said corporation, not inconsistent with the constitution and laws of the United States, or of this commonwealth: *Provided*, That the annual income of the said real and personal estate shall not exceed six thousand dollars, and be used and appropriated to the use of the said institution.

SECTION 2. That the meetings of the said corporation shall be held at such times and places as may be ordered by the by-laws, and that a majority of the members shall constitute a quorum for the transaction of business.

SECTION 3. That no misnomer of the said corporation shall defeat any intended gift, devise or bequest thereto, if the intent shall sufficiently appear therein.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

Corporators.

Style.

Powers.

Meetings.

Misnomer.

No. 226.

A SUPPLEMENT

To an act to amend the charter of the trustees of the Fire Association of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, that the board of delegates shall have power, by a vote of a majority of the delegates assembled, to grant to any company belonging to the association, permission to retire from active service; and no company shall be entitled to a dividend, who does not, in the opinion of the board of delegates, possess a competent apparatus for the extinguishment of fires, and shall not have continued in active service for at least six months during the then next preceding year, unless permission be granted to retire, or who shall not have been admitted a member of this association, at least one year next before declaring such dividend. Power of board of delegates.

SECTION 2. That any or all laws, or parts of laws, inconsistent herewith, be and the same is hereby repealed. Repeal

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 227.

AN ACT

For laying out a State Road from Spragueville to the State Road leading from the Resaca to the Dingman's Choice turnpike, near Drake's.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James H. Stroud, of Monroe county, and William Overfield and John C. Westbrook, of Pike county, be and they are hereby appointed commissioners to lay out a state road, from the Dela- Commissioners

ware, Lackawanna and Western railroad, at or near Spragueville, to a point on the state road leading from Miller and Mackey's tan-yard, at or near Resaca, to the Dingman's Choice turnpike, near Drake's, about one or two miles south of Lake Tedyesscong, in Porter township, Pike county.

Duties, &c.

SECTION 2. That the said commissioners, or a majority of them, after being first sworn or affirmed to perform the duties enjoined upon them with fidelity, shall carefully view the ground between the proposed points, for said roads, and shall lay out the same in as nearly a straight line as the nature of the ground and other important circumstances will permit, so as to promote the public good; and they shall be authorized and empowered to employ two chain bearers, one axeman and one staff bearer, at a per diem allowance not exceeding one dollar and fifty cents per day, for each person so employed.

Drafts when to be deposited.

SECTION 3. That the said commissioners shall cause the road which they shall lay out, to be distinctly marked upon the ground, and shall cause three accurate drafts to be made of the said road, noting thereon the courses and distances, streams of water and township and county lines; one of which shall be deposited in the office of the secretary of the commonwealth, and one in the office of the clerk of the respective courts of quarter sessions of Monroe and of Pike county, on or before the first day of December next; and from the time of the same being so filed, the said road shall be a public highway, and shall be opened, repaired and kept in order by the supervisors of the respective townships through which it shall pass, as other public roads and highways are now by law required to be opened and repaired, and to be of the width of fifty feet.

Compensation, &c.

SECTION 4. That the compensation of said commissioners shall be two dollars per diem each, with a like compensation to a surveyor, if necessary, for every day necessarily employed by virtue of this act; and the accounts of said commissioners for their own pay, and the pay of their surveyor and hands aforesaid, shall be adjusted and allowed by the commissioners of Monroe and Pike counties, in proportion to the distance run in said counties, and paid by the treasurers thereof, by warrants drawn in the usual way; and if any vacancy shall happen in the board of commissioners, by resignation or otherwise, the remaining two shall be authorized to fill the vacancy by a suitable appointment.

Commissioners to cause road to be opened, &c.

SECTION 5. That it shall be the duty of said commissioners to cause the said road to be opened, and put in condition for easy traveling; and the expenses thereof shall be paid by the townships wherein the work is done; and the accounts of said commissioners for the construction of said road, shall be settled in the same manner as the accounts of supervisors are now settled by the respective townships interested in the same.

Townships to pay expenses.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 228.

A N A C T

To release the bail of Daniel Zeigler, late Treasurer of Mifflin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That upon payment by George Strunk, one of the sureties of Daniel Zeigler, late treasurer of Mifflin county, of one-third part of the demand of the commonwealth against said treasurer, he shall stand discharged from any further payment to the state by reason of his obligation as surety.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 229.

A N A C T

To incorporate the towns of Carrolltown and Campbellstown, in the county of Cambria, into a Borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the towns of Carrolltown and Campbellstown, in the county of ^{Boundaries} Cambria, and the territory adjacent thereto, comprised within the following boundaries, to wit: Beginning at a post in land of Francis Strittmatter, about three perches from the south-east corner of Carrolltown; thence west through lands of said Francis Strittmatter, John Flick and Francis Flick, one hundred and thirty-one perches, to a post in land of B. Wimmer; thence north through lands of same and John Campbell, two hundred and forty-four perches, to a post; thence east through land of Jacob Yeagley, about five perches from the north boundary of Campbellstown, eighty-four perches, to a post; thence south by lands of John Campbell and Benjamin Wertner, eighty-four

perches, to a post; thence east nineteen perches, to a post; thence south by land of B. Wimmer, sixty-six perches, to a post; thence east twenty-eight perches, to a post; thence south by lands of E. Bender and J. Bender, ninety-four perches, to the place of beginning, be and the same is hereby erected into a borough to be called the borough of Carrolltown, and shall enjoy the privileges, and be subject to the limitations and restrictions not herein otherwise provided for, of the general laws of this commonwealth relating to boroughs.

Corporate style.

Separate school district.

SECTION 2. That the said borough shall form a separate election and school district.

Election of borough officers.

SECTION 3. That the qualified electors of said borough shall on the third Monday of April next, and on the third Friday of February of every year thereafter, meet at the school house in said borough, and then and there, between the hours of one and six o'clock in the afternoon, elect by ballot one reputable person to be styled burgess of the said borough, and five other persons to be members of the town council; one assessor and two assistant assessors, when required by the laws of this commonwealth; one justice of the peace; one person for constable, who shall act as high constable; one judge and two inspectors of elections; and at the first election six school directors, two of whom to serve for one year, two for two years, and two for three years, and thereafter two school directors annually, to serve for three years; all of which said officers must be citizens of the said borough, and have resided therein at least six months next preceding such election. The said elections shall be conducted in the same manner as is provided for the election of township officers of this commonwealth, except that the certificates of the election of burgess, councilmen and school directors shall be filed among the records of the corporation: *Provided*, That the officers elected at the first election to be held under this act, shall hold their respective offices only until their successors shall be duly qualified to act.

Elections, how conducted.

Proviso.

First election, who held by.

SECTION 4. That the first election under this act shall be held by a judge and two inspectors, to be chosen by the qualified electors of said borough present at the opening of the election, and the inspectors thus chosen shall each appoint a clerk; and the constable of Carrol township is hereby required to attend at the school house of said borough on the said second Monday of April next, at one o'clock in the afternoon, and open said election, and to give at least five days' previous notice of said election: *Provided*, That if the said constable should fail to be present at the time aforesaid, the said election may be opened by any qualified elector of the said borough.

Proviso.

School directors, their duties, &c.

SECTION 5. That the school directors elected under this act shall perform the same duties and possess the like powers in all respects as school directors elected agreeably to the general laws of this commonwealth, and those first elected shall immediately after their election cause to be made an enumeration of the taxable inhabitants of said borough, and the president of the board of directors shall certify the same to the superintendent of the common schools, who is hereby directed to adopt the number of taxables so certified as a basis of distribution to said borough of its share of the state appropriation.

SECTION 6. That the corporation aforesaid shall have power to ^{May hold real} purchase and hold such real and personal estate as the purposes ^{estate.} of the borough shall require, not exceeding the yearly value of one thousand dollars, and to convey the same when the interests of the borough will be promoted by it.

A. BRÖWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 230.

A SUPPLEMENT

To the charter of the Philadelphia and Wilkesbarre Telegraph Company, approved March twenty-nine, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Philadelphia and Wilkesbarre telegraph company shall be ^{May alter and} and are hereby authorized to alter and change the route of their ^{change the route} line of telegraph, preserving their connections with stations in ^{of the line.} use, from its present location between Mauch Chunk and Philadelphia, to and along the routes of the Lehigh Valley and the North Pennsylvania railroads, and branches; the consent of the directors or managers of the said companies, respectively, being first had and obtained thereto.

SECTION 2. That in case of any vacancy occurring in the board ^{Vacancy in board} of directors of the Philadelphia and Wilkesbarre telegraph com- ^{of directors, how} pany, or the officers of president, secretary or treasurer, by death, ^{filled.} resignation or otherwise, the said board, four of whom shall form a quorum to transact business, shall be authorized to fill such vacancy until the next annual election by the stockholders.

A. BRÖWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 231.

A N A C T

To extend the charter of the Merchants' and Manufacturers' Bank of Pittsburgh.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the charter of the Merchants' and Manufacturers' Bank of Pittsburgh, shall be and the same is hereby extended and continued for the term of fifteen years, from the day of the expiration of the present charter, subject to all and singular the restrictions and provisions imposed upon banks by the general banking law, entitled "An Act regulating banks," approved the sixteenth day of April, one thousand eight hundred and fifty, and also to the provisions now imposed upon banks by existing laws of this commonwealth, and to such further provisions and restrictions as the legislature may hereafter enact for the regulation and government of banks: Provided, That the said bank shall pay into the state treasury a bonus of one per centum upon their capital stock, within one year after the passage of this act.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER,

No. 232.

A N A C T

To authorize the West Pittston Coal Company to create and issue a preferred stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the president and directors of the West Pittston coal company, May issue preferred stock. for the purpose of paying the debts and completing the improvements of said company, be authorized and empowered to create a preferred stock, to the extent of fifteen thousand shares, of twenty dollars each.

SECTION 2. That all of the present stockholders of the company shall be notified, in writing, of the creation of the said preferred stock, and shall have priority in subscribing to said stock, in proportion to their respective interests; and shall also be entitled to pay at least three-fourths of their subscription in the stock of the company now held by them, and such further proportionate amount as the directors may determine; and the directors may also, by resolution, divide the stock of the Lackawanna and Bloomsburg railroad company, now held by the West Pittston coal company, among the stockholders of the West Pittston coal company who may subscribe to the preferred stock hereby created: *Provided*, That no such stockholder shall receive a greater amount of the stock of the said Lackawanna and Bloomsburg railroad company than he shall actually pay, in each, on his subscription to the preferred stock as aforesaid.

Stockholders to be notified, &c.

Stock of the Lackawanna and Bloomsburg railroad.

Proviso.

SECTION 3. That the holders of the said preferred stock shall be entitled to receive a dividend of three per centum per annum upon its par value, payable semi-annually, in preference to, and before any interest or dividend shall be declared or paid, in favor of, or to any holder of the unpreferred stock of the company.

Dividends on preferred stock.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 233.

AN ACT

For the relief of Thomas Brown, a Soldier of the Revolutionary war.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer is hereby authorized and directed to pay to Thomas Brown, of Rutland, Ohio, a soldier of the Revolutionary war, a gratuity of forty dollars, and an annuity of forty dollars, during the term of his natural life, commencing on the first day of

January, one thousand eight hundred and fifty-seven, and payable half yearly thereafter, on the first day of January and July.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 234.

A FURTHER SUPPLEMENT

To an act, entitled "An Act to incorporate the Conestoga and Beaver Valley Turnpike Road Company," passed March twenty-seventh, one thousand eight hundred and fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time for commencing the construction of the Conestoga and Beaver Valley turnpike road, on either the route described in the original act of incorporation, or in the supplement thereto, passed March twentieth, one thousand eight hundred and fifty-six, be and the same is hereby extended and allowed for the period of three years from the passage of this act; and the time of completion of that portion of the road between the intersection of the Old Factory or Strasburg road with Vine street, in the city of Lancaster, and the Long lane, to the additional term of two years; and the time of completion of the remainder of the route is hereby extended to the period of eight years from the passage of this act.

Time for commencing and completing extended.

Repeal.

SECTION 2. That so much of the act, entitled "An Act to incorporate the Conestoga and Beaver Valley turnpike road company," or to the supplement thereto, as is hereby altered or supplied, or as is inconsistent herewith, be and the same is hereby repealed.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 235.

A N A C T

To authorize the Pennsylvania Railroad Company to make sales of certain real estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That hereafter the Pennsylvania railroad company shall have full power and authority to make sale of such real estate situated at Powelton, in the city of Philadelphia, or elsewhere, as the said company may at any time hold, or be in any way interested in or entitled to, and which, in the opinion of the directors of the said company, shall not be necessary for the uses and purposes of said company; and to assure to the purchasers of the same, by good and effectual title, the premises which shall be sold under the authority of this act: Provided however, That the authority herein contained shall not be so construed or exercised as to discharge any lien that the commonwealth of Pennsylvania may have on any of the real estate sold and conveyed in pursuance of this act.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 236.

A N A C T

To repeal the act relative to obstructions in the Oswayo Creek, in the county of Potter.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act to prevent obstructions to the navigation of the Oswayo creek or its tributaries, in the county of Potter, passed April sixth, one thousand eight hundred and fifty-four, and its supple-*

ment, passed April nineteenth, one thousand eight hundred and fifty-six, be and the same are hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 237.

A SUPPLEMENT

To an act to incorporate the Union Coal and Iron Company, approved the May fourth, one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, 'That it may be lawful for the Union coal and iron company to hold the amount of land which by the said act it is authorized to hold in the counties of Centre and Clearfield, in lieu of holding the same in the counties of Elk and Clearfield.*

SECTION 2. That J. J. Lingle, D. J. Pruner, William H. Blair and Andrew G. Curtin, are hereby added as corporators in said company.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 238.

A N A C T

To empower the Councils of the city of Allegheny to pass ordinances for public improvements therein.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the councils of Allegheny may, at any time, pass an ordinance or ordinances to improve the Common ground in said city, and to keep the same improved, and for that purpose may appropriate the whole, or any part thereof, on paying damages to such commoners entitled thereto as may apply for the same; the mode and manner of appropriating the said Common ground shall be by publication of said ordinance, in two daily newspapers published in the city of Pittsburg, for and during the period of three weeks; and the mode and manner of applying for damages shall be by petition to the next court of quarter sessions after said publication, as directed by the acts of assembly relative to opening streets in said city, which acts shall govern proceedings and claims for damages under this act: *Provided,* That all the expenses of improving said commons, and all damages assessed by reason of appropriating the same, shall be paid from moneys voluntarily subscribed and previously secured to said city; and no tax shall be assessed, or appropriations made, from the city treasury for said purposes.

Councils may improve the common ground.

Damages.

Ordinances to be published.

Proviso.

SECTION 2. That the councils of Allegheny may pass such ordinance or ordinances for enclosing or fencing in and improvement of the Common grounds in said city, and to protect the same from encroachment or injury, as they may deem proper for these purposes, and shall have power to enforce and carry into effect any such ordinance by fines, penalties or otherwise, as they may think fit: *Provided,* That said fines and penalties do not exceed one hundred dollars for any one offence; and no act of assembly abolishing imprisonment for debt, or for non-payment of fines, penalties and forfeitures, shall apply to convictions under any of said ordinance.

Enclosing and fencing in the common ground.

Proviso.

SECTION 3. That so much of any act of assembly, inconsistent herewith, is hereby repealed, as to the subjects and enactments aforesaid.

Repeal

A. BROWER LONGAKER,
Speaker of the House of Representatives.

JOHN CRESSWELL, Jr.,
Speaker pro tem. of the Senate.

APPROVED—The first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 239.

AN ACT

Giving the assent of this Commonwealth to the act of the Legislature of New Jersey, entitled "A further supplement to the act, entitled 'An Act to regulate the Fisheries in the river Delaware, and for other purposes,' passed the twenty-sixth day of November, Anno Domini eighteen hundred and eight," approved February twenty-sixth, eighteen hundred and fifty-eight.

Commonwealth
assents to act of
the legislature of
New Jersey.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the assent of this commonwealth be and the same is hereby given to the provisions mentioned and contained in the act of the legislature of the state of New Jersey, passed the twenty-sixth day of February, Anno Domini one thousand eight hundred and fifty-eight, entitled "A further supplement to the act, entitled 'An Act to regulate the fisheries in the river Delaware, and for other purposes,' " passed the twenty-sixth day of November, Anno Domini eighteen hundred and eight; and the said act of the legislature of the state of New Jersey is hereby adopted, ratified and confirmed by this commonwealth; and the said act of the state of New Jersey shall be annexed to this act, and be published in the same manner as the laws usually are; and the governor shall likewise cause an exemplified copy thereof to be deposited in the secretary's office of this commonwealth, and transmit an attested copy of this act to the governor of the state of New Jersey.

STATE OF NEW JERSEY.

A FURTHER SUPPLEMENT

To the act, entitled "An Act to regulate the Fisheries in the river Delaware, and for other purposes," passed the twenty-sixth day of November, Anno Domini one thousand eight hundred and eight.

Size of seine de-
scribed.

Penalty

1. *Be it enacted by the Senate and General Assembly of the State of New Jersey,* That if any person or persons shall cast, draw, or otherwise make use of any seine or net of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton falls, between the tenth day of June and the tenth day of July in any year, or above the head of Trenton falls, of any seine or net of a larger mesh than two inches, between the fifteenth day of June and tenth day of July in any year, he, she or they so offending, shall forfeit and pay the sum of one hundred dollars, together with costs of suit for each and every offence.

2. *And be it enacted,* That it shall not be lawful for any person or persons, for the purpose of catching fish in the river

Delaware, within the jurisdiction of this state, to anchor, stake down, or otherwise fasten any drift net or gilling seine in or across said river, and that if any person or persons shall so anchor, stake down or otherwise fasten any drift net or gilling seine, in or across said river, within the jurisdiction of this state, for the purpose of catching fish, he, she, or they, so offending, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding three months, or both, at the discretion of the court before which such offender or offenders shall be convicted; and any such net or seine, so anchored, staked down, or otherwise fastened in or across said river, shall be deemed and considered a public nuisance, and liable to be abated or removed by any person or persons who may deem proper to abate or remove the same.

Fishing with drift net or gilling seine prohibited.

Penalty.

Certain kind of seines or nets deemed a public nuisance.

3. *And be it enacted*, That the second section of the supplement of the aforesaid act, passed on the fifteenth day of February, Anno Domini eighteen hundred and thirty-three, be and the same is hereby repealed; but that this act shall not go into operation until the legislature of the state of Pennsylvania shall approve of the same by the enactment of a similar act in whole or in part; and that from and immediately after the legislature shall so approve of this act, either in whole or in part, then this act, or such parts thereof as may be so approved of, shall go into operation and take effect.

Repeal.

Act to be approved by the state of Pennsylvania.

APPROVED—February twenty-sixth, eighteen hundred and fifty-eight.

STATE OF NEW JERSEY :

I, Thomas S. Allison, secretary of state of the state of New Jersey, do hereby certify, that the foregoing is a true copy of an act passed by the legislature of said state, and approved by the governor, February twenty-sixth, eighteen hundred and fifty-eight, as taken from and compared with the original on file in my office.

In testimony whereof, I have hereunto set my hand and affixed my seal of office, at Trenton, this twenty-seventh day of February, eighteen hundred and fifty-eight.

THOMAS S. ALLISON,
Secretary of State.

STATE OF NEW JERSEY :

I, William A. Newell, governor of the state of New Jersey, do hereby certify, that Thomas S. Allison, Esquire, who hath signed the preceding certificate, and whose official seal is thereto annexed, is secretary of state of the state of New Jersey, duly appointed, commissioned and sworn, and that full faith and credit are to be given to his official attestations; that the said signature is in the proper handwriting of the said Thomas S. Allison, and the seal his seal of office, and that the said certificate is in due form of law.

In testimony whereof, I have hereunto set my hand and caused the great seal of the state of New Jersey to be hereunto affixed, at the city of Trenton, in said state, this twenty-seventh day of February, in the year of our Lord one thousand eight hundred

and fifty-eight, and of the independence of the United States the eighty-second.

WM. A. NEWELL.

By the Governor.

Secretary of State.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 240.

A N A C T

In relation to the borough of North-East, in the county of Erie.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever the burgess and town council of the borough of North-East, in the county of Erie, in pursuance of the power vested in them by the act incorporating said borough, shall require the owner or owners of lots on any street, part of the street or the public square thereof, to pave the side walk in front of their respective lots with brick, stone, plank or other suitable material, and such requisition shall not be complied with in a reasonable time thereafter, to be fixed by the said burgess and council, it shall be lawful for said burgess and council to cause such pavement to be constructed, and the several lots in front of which the same shall be so constructed, shall be subject to a lien for the payment of the expense thereof.

Lot owners to
pave side walks.

Provisions of cer-
tain act extended
to the borough of
North-East.

SECTION 2. That the thirty-first, thirty-second and thirty-third sections of an act authorizing the Governor to incorporate the Philadelphia and Taylorsville railroad company, and for other purposes, approved the fifteenth day of June, Anno Domini one thousand eight hundred and thirty-six, be and the same is hereby extended to the borough of North-East, in the county of Erie.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 241.

A N A C T

Authorizing Matthew Foster, of Pymatuning township, Mercer county, to collect certain Taxes.

WHEREAS, Robert J. Gill, constable and tax collector of Pymatuning township, in the county of Mercer, lately died without having collected the duplicate or schedule of unpaid taxes accompanying the warrant of the county treasurer, directed to him in pursuance of the act of nineteenth January, one thousand eight hundred and fifty-three, entitled "An Act relative to the collection of taxes in Mercer and Beaver counties, and relating to the American telegraph company:"

And whereas, Matthew Foster, of said county, has taken out letters of administration on the estate of said deceased; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the said Matthew Foster be and is hereby authorized to collect the balance of taxes on said duplicate or schedule, which remain unpaid, with like powers and duties, and subject to like requirements, obligations and penalties as are provided in law relative to the duties of township constables under the act above mentioned.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 242.

A FURTHER SUPPLEMENT

To an act to authorize the Commissioners of Chester county to Borrow Money, approved the fifth day of May, one thousand eight hundred and fifty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the commissioners of Chester county be and they are hereby empowered to borrow, upon the credit of said county, for the purpose of paying for the erection of a new house of employment and relief for the poor, a further sum of money, not exceeding ten thousand dollars, in addition to the amount authorized to be borrowed by the act to which this is a supplement, and the supplement thereto, approved the nineteenth day of March, Anno Domini one thousand eight hundred and fifty-six, payable within ten years: *Provided*, That no bond or obligation shall be issued by the said commissioners, for the payment of the same, of a less denomination than one hundred dollars.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 243.

SUPPLEMENT

To an act, entitled "An Act to charter the Allegheny Bank," approved the twenty-seventh day of April, Anno Domini one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the directors of the said "The Allegheny Bank," to remove and establish their bank in the city of Pittsburgh, and carry on and conduct the business of the said bank in the said city, with the same effect and with the same rights, privileges and liabilities as if the said bank had been originally located in the said city of Pittsburgh; and all debts and claims due to the said "The Allegheny Bank," and all liabilities of the said bank, and all debts due by the same, shall be demandable and payable at the banking house of the said bank, wherever the same may be located.*

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 244.

AN ACT

Relative to the duties of Township and Borough Auditors in the county of Potter.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* annually hereafter, the township and borough auditors in the several townships and boroughs in the county of Potter, shall meet on the last Monday in January of each year, and oftener, if necessary.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 245.

AN ACT

Providing for the completion of the Coal Hill and Upper Saint Clair Turnpike, in Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, it shall and may be lawful for the president and managers of the Coal Hill and Upper Saint Clair turnpike and plank road company, to re-open their books containing stock subscriptions, on certain days and times to be by them appointed, for the purpose of receiving subscriptions as additional to said road; which stock, when so taken, to be declared as preferred stock, and may not exceed the sum of twenty thousand dollars; and that said president and managers have power to issue certificates in the name of the company, to those that have taken stock as aforesaid, bearing on the face of them the amount of stock so taken by each individual, with interest at the rate of six per centum per annum, payable in tolls

or travel on said road; and that the time for making and finishing to completion, ten miles of said road, to extend to the year Anno Domini one thousand eight hundred and sixty-three.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 246.

AN ACT

Relative to Aldermen and Constables in the city of Philadelphia.

Process, who directed to and served by.

Provide

Forfeiture.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That whenever any alderman of any ward in the city of Philadelphia shall issue civil or criminal proces, the same shall be directed to and be served by one of the constables, or a deputy regularly appointed by either of said constables, elected for the ward in which the said alderman holds his office and is acting: *Provided,* That if at any time all said officers shall be absent from the said office, when it is absolutely necessary to have process served forthwith, it may be served by any other regularly elected constable.

SECTION 2. That any alderman who shall fail to comply with the requirements of this act, or shall act in any manner contrary thereto, shall forfeit and pay for each offence the sum of one hundred dollars, one half to the use of the commonwealth, and the other half to the use of whoever shall sue for the same.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 247.

A N A C T

Authorizing the laying out of State Road from New Castle, in Lawrence county, to Emlenton, in Venango county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Kerr and Samuel Leason, of Butler county, and James P. Elliot and James Oliver, of Lawrence county, are hereby appointed commissioners to view and lay out a state road from New Castle, in Lawrence county, to Emlenton, in Venango county, by way of Harrisville and Anderson's mills, in Butler county, with power to use so much of any road running in the same direction, as in their judgment they may deem necessary, at a grade not to exceed five degrees. Commissioners.
Route.

SECTION 2. That it shall be the duty of the said commissioners, or a majority of them, after having been duly sworn or affirmed before a justice of the peace, (who shall file and preserve the same in his office,) to perform all the duties required by this act, with impartiality, carefully to view the ground and lay out the said road, having respect to the best ground and shortest distance, so as best to promote the public good and do the least injury to private property. Duty of commissioners.

SECTION 3. That it shall be the duty of the said commissioners to appoint some fit person to act as surveyor, at two dollars per day, two chain carriers and one axeman, at one dollar and twenty-five cents per day each; and for fulfilling the duties enjoined by this act, the said commissioners shall be allowed the sum of one dollar and fifty cents per day each, for every day they may be necessarily employed in performing the duties of their appointment. Further duties.
Compensation.

SECTION 4. That the said commissioners, surveyor, chain carriers and axemen, shall be paid by the counties of Butler and Lawrence, as other accounts against said counties are paid, in proportion to the length of time they are engaged in the said counties respectively. Expenses.

SECTION 5. That the said commissioners shall proceed as soon as practicable, to commence and complete the location of said road; and if any vacancy should occur in said board, by death, resignation, or otherwise, the same shall be supplied by the remaining commissioners selecting a suitable person to fill such vacancy. Commencement and completion of location.
Vacancy.

SECTION 6. That the said commissioners shall plainly and distinctly mark the location of said road, and to lay out the said road, or any part thereof, on the bed of any road or part of a road heretofore laid out by authority of law. Location to be plainly marked.

SECTION 7. That it shall be the duty of the surveyor to make a fair and accurate draft of the location of said road, noting thereon the courses and distances with reference to the improve- Draft.

Copies of draft, when and where deposited. ments; one copy of which shall be deposited in the office of the secretary of the commonwealth, on or before the first day of December next, and one copy in the office of the clerk of the court of quarter sessions of each of the said counties, on or before the said day; and from thenceforth the said road shall be to all intents and purposes a public highway, and shall be opened to the width of forty feet, and repaired in all respects as other roads are opened and repaired.

Duty of supervisors.

SECTION 8. That it shall be the duty of the supervisors and road masters of the several townships through which the said road may pass, to apply at least one-half the tax assessed for road purposes on property lying within one mile on each side of said road, to the opening and repairing of said road, each year, until the same is opened out and in good condition.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 248.

A N A C T

To authorize the qualified electors of Brady's Bend township, Armstrong county, to elect five persons as Trustees of the Brady's Bend Cemetery.

Preamble

WHEREAS, Robert Farley and Curtis B. Raymond, trustees of the Brady's Bend iron company, did, by indenture, bearing date twenty-fifth day of January, Anno Domini one thousand eight hundred and fifty-eight, and duly recorded in the office for recording deeds in the county of Armstrong, volume twenty-three, pages one hundred and forty-nine and one hundred and fifty, grant unto Richard Jennings, David Davis, Andrew Bell, John Wassell and John R. Steele, as trustees, a certain lot or parcel of ground as therein described, as a cemetery or burial ground for the use of the citizens of said township, for the burial of the inhabitants thereof:

And whereas, No provision is made in said deed of trust whereby the said trustees can name or designate their successors in office, so as to carry out the provisions and intent of said trust; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the qualified electors of the township of Brady's Bend, Armstrong county, shall, at the next election for constable in said township, after the passage of this act, elect by ballot, as hereinafter prescribed, five citizens of said township, as trustees of said cemetery, whose duty it shall be, within twenty days after their election, to meet at some convenient place in said township, and organize by the appointment of a president and secretary from their number, and such other officers as may be necessary to fully carry out the provisions and intent of said deed of trust heretofore recited, and who shall also ordain and establish such rules and by-laws for their regulation and government as may be deemed expedient: *Provided however*, That said rules and by-laws, and all other acts done by said trustees, shall be in accordance with the directions and intent of said deed of trust: *And provided further*, That when any twenty reputable citizens of said township feel themselves aggrieved by any act done by said trustees, or their successors, they shall appeal to the next court of common pleas of said county, on the same terms and conditions as are directed in the case of appeal from township auditors.

Trustees, how elected.

Duty of trustees.

Proviso.

Proviso.

SECTION 2. That it shall be the duty of the constable of said township to give notice to the electors thereof, in the same manner as he is now directed by law in other cases, that an election will be held for the purpose, as directed in this act, and the qualified electors shall, at said election, by ballot, marked on the outside "trustees of the Brady's Bend cemetery," and in the inside by the written or printed names of the citizens of said township, elect five persons to act as trustees aforesaid, who shall, at their first meeting, draw lots, severally marked one year, two years, three years, four years and five years, and the lot drawn shall determine the term of office of the person drawing; and thereafter one trustee shall be elected annually to serve for five years; and all vacancies that may occur by death, removal, resignation or otherwise, shall be filled by appointment, made by the surviving or remaining trustees, at their first regular meeting after said vacancy occurs, until the next regular election: *Provided*, That not less than three trustees shall join in said appointment.

Duty of constable.

Manner of voting &c.

Trustees, term of office, how determined.

Proviso.

SECTION 3. That it shall be the duty of the judges and inspectors of said election to receive the ballots offered them for trustees as aforesaid, in the same manner and upon the same terms, conditions and penalties, as now are prescribed in the election of constables, and make a return thereof in like manner; and shall also notify the persons receiving a majority of votes at said election for trustees, as they are now required by law in the case of other township officers.

Judges and inspectors, duty of.

SECTION 4. That the trustees named in said deed of trust, or the survivors of them, are hereby authorized and empowered to transfer all their interest and power, as trustees, by deed duly executed, to such persons as may be elected, and their successors, under this act, within thirty days after their election; and such deed, duly recorded, shall be evidence of such transfer.

Power of trustees

Burial lots ex-
empt from levy
and sale.

SECTION 5. That the burial lots sold under the provisions of the deed of trust aforesaid, shall not be subject to levy and sale, or an attachment for debt.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 249.

A N A C T

Relative to Costs in Equity Suits in the District Court for the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* in all equity proceedings, either original or auxiliary to common law jurisdiction, now brought or hereafter to be brought in the district court for the city, and county of Philadelphia, costs shall be allowed as provided in the supreme court of Pennsylvania.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 250.

A N A C T

Relative to the State Library.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the state librarian, from time to time to sell or exchange for new books, the surplus copies of such works in the state library, of which there are in his opinion more copies than are required; also to make sale of old editions of books, or exchange the same for new editions of the books, where it can be done to advantage; and to sell odd volumes or broken sets of such works, the places of which are, or can be supplied by new and more perfect copies: Provided, That when the legislature is in session, such sales or exchanges shall be made by the librarian under the general supervision of the committee on the public library.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 251.

A N A C T

Relative to the enrolment Tax on Acts for the erection of new counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That in any case of the passage of an act of assembly for the erection of a new county, submitting the same to the vote of the people, whenever it shall be determined against the new county, the state treasurer is hereby authorized and required to refund the enrolment tax which may have been paid on any such act to any*

LAWS OF PENNSYLVANIA,

person or persons who shall have paid the same to the commonwealth.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 252.

AN ACT

To authorize the Canal Commissioners to examine the claim of Charles Miller.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners are hereby authorized and required to examine and report the claim of Charles Miller, of Cambria county, for wood furnished the commonwealth, and report the same to the legislature.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 253.

A FURTHER SUPPLEMENT

To the act to encourage the manufacture of Iron with Coke or Mineral Coal, and for other purposes, passed the sixteenth day of June, Anno Domini one thousand eight hundred and thirty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That when any number of persons, citizens of the United States, tenants in common of any real estate within this commonwealth, shall be associated for the purpose of manufacturing iron from the raw material, and any of such tenants in common shall die, it shall be lawful for the survivors and the executors or administrators of such deceased co-tenant to join in making the application provided for in the act to which this is a supplement, and in the supplement thereto, passed the thirteenth day of April, Anno Domini one thousand eight hundred and thirty-eight, and to do all things necessary to carry the same into effect; and the same proceedings shall take place thereon as directed by the said act and its several supplements.

Co-tenant, in the event of the death of how survivors to proceed, &c.

SECTION 2. The provisions of the act of the twenty-ninth of June, Anno Domini one thousand eight hundred and fifty-two, supplementary to said act of sixteenth June, Anno Domini one thousand eight hundred and thirty-six, are hereby extended to all companies now, or that may hereafter be incorporated under the provisions of the said act, and its supplements; and every charter of incorporation, granted, or to be granted, shall be deemed and taken to be the subject of the legislature, to alter, revoke or annul the same, whenever, in their opinion, it may be injurious to the citizens of the commonwealth; in such manner, however, that no injustice shall be done to the corporators.

Act of 29th June, 1852, extended to certain companies.

Legislature may alter or amend.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 254.

A SUPPLEMENT

To an act incorporating the M'Keesport Plank Road Company, approved April first, one thousand eight hundred and fifty-two.

Additional com-
missioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John Sill, George W. Bowman, John F. Cochran, J. F. Zoller, John Muse, junior, L. A. Shaw and Robert Whigham, are hereby appointed additional commissioners under the act to which this is a supplement.

Tolls.

SECTION 2. That said company shall have the privilege of erecting a toll gate, and collecting tolls, as soon as one and one-half miles of said road shall be completed next to the borough of M'Keesport.

May locate road
upon certain
other roads.

SECTION 3. That said company may locate and construct their road upon the state road leading from Canonsburg to Stewartsville, and such other public roads as may be found necessary; and said roads, or so much thereof as is superseded thereby, shall be vacated when said turnpike or plank road is completed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 255.

A SUPPLEMENT

To an act to enable the Susquehanna and Waterford Turnpike Road Company to resume the possession of that part of said road located in the counties of Venango, Clarion, Jefferson and Clearfield, approved the twenty-seventh day of March, Anno Domini one thousand eight hundred fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the provisions of the third section of the act to which this is a supplement, relative to the Susquehanna and Waterford turnpike road company, approved the twenty-seventh day of March, Anno Domini one thousand eight hundred and fifty-five, be and the same are hereby extended until the first day of March, Anno Domini one thousand eight hundred and fifty-nine. Provisions of certain act extended

SECTION 2. That the managers of said company are hereby authorized and required to apply the entire net revenue arising from said road to the repairing and improvement thereof, and to the re-construction and repairing of bridges, for a period of five years from the final passage of this act. Revenue arising from road, how to be applied.

SECTION 3. That the managers aforesaid be and they are hereby authorized to borrow any sum of money not exceeding two thousand dollars, at an interest of not over six per cent. per annum, for the purpose of re-building the bridge over the Clarion river, in the county of Clarion; and the said managers are further authorized to pledge all tolls, or any part thereof, that may be received on said bridge, under the charter of said company, for the re-construction of the same, or the payment of any money borrowed for the purpose aforesaid. May borrow money.

SECTION 4. That the managers of said company are hereby authorized to remove the office of said company to such central point as the board of managers, in their discretion, may determine. Authorized to remove office.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 256.

SUPPLEMENT

To an act incorporating the borough of Newton Hamilton, Mifflin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the legal voters of the borough of Newton Hamilton, in the county of Mifflin, shall at their first borough election after the passage of this act, elect six citizens to perform the duties of town council, in the following manner: Two to serve for one year, and two for two years, and two for three years, and two shall be elected annually thereafter, to serve for a term of three

years ; and that all laws inconsistent with the same, are hereby repealed, so far as the above borough is concerned.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 257.

AN ACT

To appoint Commissioners to run and mark the Boundary Lines, and to make such changes as may be reasonable and just between the city of Reading and the township of Alsace, in the county of Berks.

Commissioners,
authority of.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel S. Zacharias, of the city of Reading, Benjamin Shalter and George Dengler, of the township of Alsace, or any two of them, be and they are hereby appointed commissioners, with authority to survey, ascertain, determine upon, and mark the dividing line between the city of Reading and the township of Alsace, and to make such changes in said division line as may be dictated by reason and justice.

Duty of commis-
sioners.

SECTION 2. That it shall be the duty of said commissioners, after having been first sworn or affirmed before some alderman of the city of Reading, to perform the duties enjoined upon them by this act, with impartiality and fidelity, to go upon the ground and carefully survey, ascertain or determine upon and mark the dividing line between the said city of Reading and the said township of Alsace.

Further duties.

SECTION 3. That it shall be the duty of said commissioners to finally locate the said dividing line, so far as the same shall be by them surveyed and ascertained, and to mark the same upon the ground by distinct and permanent marks ; and the line so ascertained and marked, shall be and remain the dividing line between the city of Reading and the township of Alsace.

Drafts and re-
ports of proceed-
ings, when and
where to be filed.

SECTION 4. That it shall be the duty of said commissioners, or a majority of them, to make out drafts of said surveys, certified under their hands, with the courses and distances plainly laid down, together with the reports of their proceedings, and to file a copy of such draft and report in the office of the clerk

of the court of quarter sessions of Berks county, within the period of one year from the date of the passage of this act.

SECTION 5. That said commissioners shall receive as a compensation for their services, three dollars per day each, whilst actually engaged in the performance of their duties; which shall be paid by the treasurers of the city of Reading and the township of Alsace, in equal proportions; and if any vacancy or vacancies shall occur from any cause whatever, in said board of commissioners, the president judge of the court of quarter sessions of Berks county is hereby authorized to fill the same.

Compensation.

How paid.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 258.

A N A C T

To authorize the Commissioners of Adams county to Borrow Money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of the county of Adams be and they are hereby authorized to borrow any sum of money, not exceeding fifteen thousand dollars, for the erection of a court house and public offices, to be erected in Gettysburg, of said county, and issue bonds for such sums as they may borrow: *Provided,* That none of said bonds be for a less sum than fifty dollars.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 259.

A N A C T

To repeal an act relative to a State Road in the counties of Warren and Venango.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An Act to appoint commissioners to view, lay out and open a state road in Warren and Venango counties," approved the eighteenth day of April, eighteen hundred and fifty-seven, be and the same is hereby repealed, except so far as may be necessary to enable the commissioners under it to settle their accounts and receive pay for services actually rendered, in viewing and laying out said road.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 260.

A N A C T

To authorize the Commissioners of Lehigh county to pay Commissioners to lay out Townships, certain moneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the commissioners of Lehigh county to draw their warrant on the treasurer of said county, in favor of John D. Lawall, Samuel J. Kistler and Joshua Seiberling, for the amount of their bill for services rendered (by themselves and assistants) in the year one thousand eight hundred and fifty-seven, as commissioners appointed by the court of quarter sessions of said county, to inquire into the expediency of dividing the townships of North and South Whitehall, in said county,*

into three townships: *Provided*, That the said bill of the said commissioners be first approved by the said court.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 261.

AN ACT

To authorize the appointment of two additional Notaries Public in the county of Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the governor be and he is hereby authorized and empowered to appoint two additional notaries public for the commonwealth, to reside in Schuylkill county.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 262.

A SUPPLEMENT

To an act, entitled “An Act to incorporate the Green Castle and Chambersburg Turnpike Road Company,” approved the twelfth day of April, one thousand eight hundred and fifty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the time allowed for the commencement of said turnpike road, is hereby extended until the first day of April, one thousand eight hundred and fifty-nine.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 263.

A FURTHER SUPPLEMENT

To an act, entitled “An Act to incorporate the city of Lancaster,” passed twentieth March, one thousand eight hundred and eighteen.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the corporate debt of the city of Lancaster, for all purposes, including the sinking fund for the ultimate redemption thereof, is hereby limited and restricted to the sum of three hundred and sixty thousand dollars; and that from and after the passage of this act, it shall not be lawful for the corporate authorities of said city to incur any permanent debt or loan beyond said sum, by any means or for any purpose whatever.

Corporate debt of
the city limited.

In what event
councils may au-
thorize tempora-
ry loan.

SECTION 2. That in case of sudden emergency, caused by destruction or extensive injury of the water works, public buildings, or other structures belonging to said city, and necessary to the health and convenience of the citizens thereof, the expense of the re-construction or repairs whereof would be beyond the then existing means in the treasury, or at the command of said city, it shall be lawful for the councils of said city, by resolution, to authorize the mayor to negotiate a temporary loan sufficient to meet such emergency, which resolution shall distinctly set forth the object, amount and period of redemption of said loan, and the sums in which it may be received; such period of redemption to be not more than one year, if the amount be five thousand dollars, or under; not more than two years, if over five thousand dollars; and not more than ten, and in the same proportion, for any greater amount; and when making the next annual appropriation, after effecting said temporary loan, and annually thereafter, until the same be fully paid, it shall be the duty of said councils to make a specific appropriation of five thousand dollars for the payment of that amount of the principal

How temporary
loan to be paid.

of the temporary loan now authorized, if so much be due, together with such sum as shall pay the whole annual interest thereof, in the usual manner, out of the taxes and other means of said city, which shall be applied to said purposes, and no other; the power given by this section to be resorted to and used as often as emergencies of the kind herein set forth shall arise, but for no other purpose whatever: *Provided*, That the existing rate of taxation in said city shall not be increased by the provisions of this section.

SECTION 3. That it shall not be lawful for the said councils to abolish or diminish the existing sinking fund of said city. Sinking fund not to be abolished.

SECTION 4. That it shall hereafter be the duty of the receiver of taxes of the city of Lancaster, to place the duplicate of the city tax of each ward of said city in the hands of the mayor of said city, as soon after the first day of December, annually, as the proper committee of councils of said city shall have ascertained and reported to said councils the amount of tax due and uncollected on the same, on and up to said first day of December; Duty of receiver of taxes.

whereupon said mayor shall, within one week thereafter, place the duplicate of each ward in the hands of the constable thereof, with his warrant for the collection of the amount of tax thus appearing due and uncollected thereon, said constable having first given bond, with sufficient surety, to be approved by said mayor, for the prompt collection and payment over to the city treasurer of the whole amount due, except so much as he shall be exonerated from collecting by the proper committee of said councils, from time to time; but if said constable shall fail to give said bond and surety, then said mayor shall place said duplicate in the hands of such other citizen of said city as he may select, who shall give bond and surety as aforesaid; and the constable, or other person thus selected for said purpose, shall possess and exercise all the rights and powers for the collection of said tax as are now possessed and exercised by the collectors of county rates and levies within this commonwealth; and so much of the sixth section of an act relative to the opening of streets, to restrict the erection of wooden buildings, and to facilitate the collection of taxes in the city of Lancaster, passed January thirty-first, one thousand eight hundred and fifty-seven, as is inconsistent herewith, is hereby repealed. Duty of mayor.

SECTION 5. That so much of any act as is hereby altered or supplied, or is inconsistent herewith, is hereby repealed. Collector of taxes to give bond, &c.

SECTION 5. That so much of any act as is hereby altered or supplied, or is inconsistent herewith, is hereby repealed. Provisions of certain act repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 264.

A SUPPLEMENT

To an act to improve the navigation of the river Lackawaxen, passed March thirteenth, eighteen hundred and twenty-three.

WHEREAS, The Delaware and Hudson canal company design to extend their railroad from Archibald down the valley of the Lackawanna, to their lands in Blakeley township, under the authority of their charter; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* whenever the company or their agents cannot agree with the owners of lands over which their said road will pass, in regard to the damages claimed by such owners, that the company may tender a bond with sufficient security, to the party claiming the damages, the conditions of which shall be, that the said company will pay, or cause to be paid to such party, his executors, administrators, or assigns, such amount of damages as shall afterwards be agreed upon by the parties, or assessed under the act to which this is a supplement, or under any of the supplements of said act: *Provided*, That in case the party claiming damages refuse to accept the bond as tendered by the company, the company may in every such case present their bond to the court of common pleas of Luzerne county, and if the court approve of the security, shall direct the same to be filed for the benefit of those to whom it shall be given; which bond shall be answerable for all damages assessed, if the same be not paid within a reasonable time after such assessment: *Provided further*, That upon the acceptance of such bond, or its being approved by the court and filed, that the company or their agents may enter upon such lands and construct their road with the same powers and rights as if the damages had been legally assessed and paid to the owner thereof: *And provided further*, That ten days' notice of such intended presentation of such bond to the said court, shall be given to the party to whom said bond is drawn.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 265.

A N A C T

To confirm the title of Michael Lawn, to certain Real Estate in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the title of Michael Lawn, of, in and to four contiguous lots of ground, situate on the west side of Ashton street, between Walnut and Locust streets, in the city of Philadelphia, at the distance of one hundred and forty-three feet nine inches southward from the south side of Walnut street, containing together in front on the said Ashton street, seventy-four feet, and in depth westward one hundred and ten feet to a twenty feet wide street; which lots were conveyed by John F. Smith and wife, to the said Michael Lawn, by endorsed deed, dated the first day of September, one thousand eight hundred and fifty-one, recorded at Philadelphia, in deed book T H, number twenty-two, page three hundred and three, be and the same is hereby ratified, confirmed and established to the said Michael Lawn, his heirs and assigns, so far as the same might be defeasible or in any way affected by reason of the premises having been at one time held in trust for the New York and Schuylkill coal company.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 266.

A N A C T

To confirm the title of Joseph Marsh, to certain lands.

WHEREAS, Certain lands in Warren county were conveyed to the Cincinnati and Chicago railroad company, by Andrew H. Ludlow, and others, as by reference to the deeds recorded will

more fully appear, which said railroad company is a foreign corporation, incapable of holding lands in this state:

And whereas, By due course of law, the said lands have been declared escheated to the commonwealth:

And whereas, Said railroad company, by deed, dated January the twenty-eighth, A. D. one thousand eight hundred and fifty-six, for a full consideration, conveyed to Joseph Marsh a portion of said lands, described as follows: A piece of land in Pittsfield township, and being the north and west part of a tract known and designated on the map of Warren county as number one hundred and twenty-five, containing two hundred and eighty-four acres, more or less, and being the whole of said tract, excepting thirty-one acres sold to Joseph Durkee, and fifty acres sold to William Miles, from the south-east corner of said tract; also two hundred and twenty acres of land in said township, from the east end of tract number one hundred and sixty-seven, and two hundred and thirty-four acres from the east end of tract number one hundred and sixty-nine; and also in Limestone township, of said county, the most eastwardly part of tract surveyed on warrant number three thousand one hundred and thirty, bounded on the north by tracts numbers three thousand sixty-four, and three thousand one hundred and nine; on the east, by tract number three thousand one hundred and thirty-three, and on the south, by the Warren county line, and extending west, far enough to include one hundred acres; for which said lands the said Marsh paid his money, not knowing that said company was incapable of holding or making title for the same; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the right and title vested in the commonwealth, of, in and to the said lands so conveyed, or attempted to be conveyed, by said railroad company, to said Joseph Marsh, by virtue of such escheat, be and the same is hereby transferred to, and vested in, said Joseph Marsh, his heirs and assigns, forever.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 267.

SUPPLEMENT

To an act to incorporate the Philadelphia and Delaware River Railroad Company, approved April fourth, eighteen hundred and fifty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the Philadelphia and Delaware River railroad company shall have power to cross, with their tracks, the Philadelphia and Reading railroad at Frankford avenue, in the city of Philadelphia, at the present grade of said avenue, and on a level with the said Reading railroad: *Provided*, That when the city of Philadelphia shall require the grading of Frankford avenue, at the present confirmed grade, that then the said Philadelphia and Delaware River railroad company shall conform their tracks to the same.

Power to cross the Philadelphia and Reading railroad

Proviso.

SECTION 2. It shall be the duty of said company, at its own expense, to erect upon their said road on either side of the said crossing, one gate to be kept securely closed, under the care and supervision of some sober and competent person to be appointed by the said company, which person shall be permanently stationed at the said crossing, whose duty it shall be open the said gate for the passage of the cars of the said company only when the same can be done without danger of collision with any of the trains passing over the road of the said Reading railroad: *Provided*, Every violation of the provisions of this section, information and proof thereof having been made before any alderman of the city of Philadelphia, the said Delaware River railroad company shall pay a fine of one hundred dollars, one half to go to the city treasury, and the other half to the informer; and the informer shall be a competent witness in the case.

Gate to be erected.

Proviso.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 268.

A SUPPLEMENT

To an act to incorporate the West Philadelphia Passenger Railway Company, approved the fourteenth day of May, Anno Domini one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the West Philadelphia Passenger railway company be and the same is hereby authorized to borrow any sum or sums of money for the purpose of constructing and equipping their road, not exceeding the sum of one hundred thousand dollars, and to issue their bonds therefor in such sums and for such rates of interest, not exceeding seven per cent., and payable at such times as the president and directors of the said road may deem expedient; and to secure the payment of said loan, the said company is authorized to mortgage all or any of its property, real or personal: *Provided*, That no bond shall be issued for a less sum than one thousand dollars.

May borrow
money.

Proviso.

Authorized to ex-
tend road.

Proviso

Proviso.

SECTION 2. That the said company is hereby authorized to extend their said road to any part of the Twenty-fourth ward, in the city of Philadelphia, along any of the public streets or highways thereof: *Provided however*, That said company shall first present to the councils of said city a plan and statement, exhibiting the route of any such proposed extension; and if councils shall not within sixty days thereafter, by ordinance disapprove thereof, the consent of councils shall be deemed to be given thereto: *And provided further*, That nothing herein contained shall authorize the change of any part of the route of the said road in the Twenty-fourth ward, as located in the act to which this is a supplement; and that the said company, before commencing to run their cars upon any of the said streets, shall purchase, at the option of the owners of the lines of omnibuses licensed to run on said streets, the stock of horses, omnibuses, sleighs and harness owned and used in the said lines, upon the terms and conditions prescribed by the twelfth section of the act to which this is a supplement, in respect to the Market street line.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 269.

AN ACT

Authorizing the Birmingham and Pittsburg Bridge Company to issue preferred stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the president and managers of the Birmingham and Pittsburg bridge company be and they are hereby authorized to issue preferred stock, not exceeding thirty thousand dollars in amount, which stock shall be entitled to a dividend not exceeding ten per centum, as the president and managers of said company may determine, out of the tolls and profits of said bridge, before any dividend is paid on the other stock issued by said company: Provided, That this act shall not go into effect unless first approved by a majority, in number and value, of the stockholders of said company, at a meeting called for that purpose by public advertisement, for at least one week, in one or more daily newspapers published in the city of Pittsburg.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 270.

AN ACT

To legitimate Jeremiah Kimmell.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Jeremiah Kimmell, an illegitimate child of Joseph Kimmell, of*

Westmoreland county, shall have and enjoy all the rights and privileges of a child born in lawful wedlock.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 271.

A N A C T

For the relief of the Administrator of Margaret Yates, deceased.

WHEREAS, The administrator upon the estate of Miss Margaret Yates, deceased, applied to the register of Clinton county to have the real estate of said deceased appraised, in order that the collateral inheritance tax due thereon might be paid to the commonwealth:

And whereas, The amount of land appraised and returned amounted to six hundred and sixty-eight acres and ninety-five perches:

And whereas, By a re-survey of said land, carefully made by the same parties, it was ascertained that in the first survey there was a mistake made of seventy acres, said survey calling for six hundred and sixty-eight acres and ninety-five perches, when it should have been but five hundred and eighty-nine acres and eighty-five perches; and as the collateral inheritance tax was paid by the administrator of said deceased, upon seventy acres not owned by said deceased, which amounted to one hundred and fifty dollars and ten cents, overpaid to the commonwealth; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer is hereby authorized to refund and re-pay to A. L. Hays, administrator of Margaret Yates, of the city of Lancaster, deceased, the sum of one hundred and fifty dollars and ten cents, the same having been overpaid by him through mistake of the appraiser, in paying to the commonwealth the

collateral inheritance tax due from the estate of the said deceased.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 272.

A N A C T

To authorize the Canal Commissioners to examine the claim of Kessler, Whitney and Company.

WHEREAS, On the fifteenth day of March, Anno Domini one thousand eight hundred and fifty-six, Messrs. Kessler, Whitney and Company, consigned sixty tons of coal to J. B. Baker, Esquire, superintendent of the Columbia road, which said coal, together with the freight, amounted to one hundred and nine dollars and thirty cents:

And whereas, The said coal was taken and used by the employees of the state on the said road, and said consignors have not yet been paid for the same; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized and required to examine the claim of Messrs. Kessler, Whitney and Company, for the coal so alleged to have been delivered by them for the use of the Columbia railroad, and if the same be just and correct, to issue their certificate to the said Messrs. Kessler, Whitney and Company for the above sum of one hundred and nine dollars and thirty cents, which said certificate shall be paid by the state treasurer on presentation to him.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 273.

AN ACT

To authorize the Auditor General to open and re-examine the account of Samuel W. Pearson, former Clerk of the Senate.

WHEREAS, The auditor general has closed the account of Samuel W. Pearson, former clerk of the Senate:

And whereas, It is alleged by said Pearson, that neither he nor his sureties had any notice whatever of the closing of his account:

And whereas, He further alleges that he holds vouchers for three hundred and nineteen dollars and eighty-one cents, which have never been acted upon by the auditor general:

And whereas, He further alleges that he had vouchers for about two hundred and fifty dollars which were stolen from him, and for which he never received a credit; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the auditor general be and he is hereby authorized and required to open, re-examine and re-audit the account of Samuel W. Pearson, former clerk of the Senate, and to examine the said Pearson on oath, and to settle and adjust the said account on such terms as the equity and justice of the case may demand.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 274.

AN ACT

To authorize the re-payment of certain moneys to John Heller, former Treasurer of Pike county.

WHEREAS, It is alleged that John Heller, former treasurer of Pike county, paid, by mistake, a greater sum of money into the state treasury than was due from him as such treasurer; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditor general is hereby authorized and required to open the account of the said John Heller, and re-settle the same according to the legal rights of the said John Heller, and without regard to the lapse of time; and if any amount shall be found due to said Heller, upon such re-settlement, the same shall be paid to him by the state treasurer, out of any moneys in the treasury not otherwise appropriated: *Provided,* That the said sum to be re-paid shall not exceed two hundred dollars.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight. WM. F. PACKER.

No. 275.

AN ACT

Relative to the Road Laws of Blythe township, in the county of Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the qualified electors of the township of Blythe, in the county of Schuylkill, shall annually thereafter, at their township election, elect two supervisors, who shall make and keep the public roads in said township in repair, in the same manner that they were made and kept in repair prior to April twenty-sixth, one thousand eight hundred and fifty; and that the first, second and third sections of the act approved twenty-sixth day of April, one thousand eight hundred and fifty, be and they are hereby repealed, so far as they relate to the township of Blythe, in the county of Schuylkill: *Provided,* That the court of quarter sessions of said county shall have the power and authority immediately after the passage of this act, to appoint one additional supervisor for the year one thousand eight hundred and fifty-eight, who shall serve until the next ensuing election.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight. WM. F. PACKER.

No. 276.

A N A C T

Relative to the pay of Supervisors in Ridgway township, Elk county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That from and after the passage of this act the pay of supervisors in Ridgway township, Elk county, shall be two dollars per day for each and every day they are engaged upon the roads, and that no pay shall be allowed them for the time spent in the settlement of their accounts.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 277.

A N A C T

To authorize the Canal Commissioners to examine the claim of John Dougherty, of Blair county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners are hereby authorized and required to examine the claim of John Dougherty, of Blair county, for hauling cars on the Portage railroad, and for office rent of supervisors on the Juniata division of the Pennsylvania canal, and report the amount found due, if any, to said John Dougherty, to the legislature at its present session.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 278.

A N A C T

To repeal an act to authorize the stockholders of the West Chester and Philadelphia Railroad Company to make payment on their mortgages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the act, entitled "An Act to authorize the stockholders of the West Chester and Philadelphia railroad company to make payment on their mortgages," approved the sixteenth day of May, one thousand eight hundred and fifty-seven, be and the same is hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred fifty-eight.

WM. F. PACKER.

No. 279.

A N A C T

To divide the borough of Johnstown into wards.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the borough of Johnstown, Borough to be divided into wards. in the county of Cambria, shall be divided into four wards, in the manner following, to wit: So much of the westerly part of said borough as is bounded by Franklin street, Main street, Washington street, the Conemaugh river and Stony creek, shall be one ward and be called the First ward; so much of said borough as is bounded by Main street, Market street, the canal basin and the canal feeder, shall be one ward and be called the Second ward; so much of said borough as is bounded by Franklin street, Main street, Conemaugh township on the east and south, and Stony creek on south and west; shall be one ward and be called the Third ward; and so much of said borough as lies Boundaries of

To remain one school district.

south and west of Stony creek, commonly called Kernville, shall be one ward and be called the Fourth ward: *Provided*, That the said borough of Johnstown be and remain one school district, as if this had not passed.

Elections, time of holding, &c.

SECTION 2. That the qualified electors of each of said wards shall elect on the second Tuesday of May next, and on the third Friday of February annually thereafter, the same number of officers for their respective wards as the said borough is by law now entitled to, except burgess, town council and justices of the peace, to perform all the duties which are now by law enjoined on such officers.

Officers to be elected.

SECTION 3. That the elections to be held as provided for in the second section of this act, in addition to the officers therein provided for, the qualified electors of said borough shall elect one burgess; the qualified electors of each of said wards shall elect one justice of the peace, four members of common council, and two members of select council, the burgess and common council to serve one year; at the first election held under this act, there shall be one member of select council elected by each ward for one year, and one for two years; at each election thereafter there shall be one member of select council elected for two years from each ward.

Each ward to form a separate election district.

SECTION 4. That each of said wards shall form a separate election district, and the general and borough elections shall be held at the following places, to wit: for the First ward at the public school house in said ward; for the Second ward at the Exchange hotel in said ward; for the Third ward at the Mansion house in said ward; for the Fourth ward at the public school house in said ward.

Elections, place of holding fixed.

Constables, power of.

SECTION 5. That the constables elected for each of said wards shall have the same power and authority, be subject to the same penalties and to perform the same duties, as by law now belongs to the high constable of said borough.

Justices of the peace, relative to

SECTION 6. That nothing in this act shall in any way interfere with the justices of the peace now holding commissions in said borough; that Samuel Douglass shall be the justice of the peace for the Second ward, and Levi B. Cohick shall be the justice of the peace for the Third ward, until the expiration of their respective commissions, and the First and Fourth wards shall elect, at the first election, justices of the peace for their respective wards.

Grading, regulating, curbing, &c.

SECTION 7. That whenever the owners of the ground comprising one-half of the actual front on any square from one street to another in said borough, shall require it, it shall be the duty of the town council of said borough, to proceed without unnecessary delay to grade, regulate, curb and pave the street in said square, according to the established regulations, in a good, substantial and workmanlike manner, and of good material.

Cost of grading, regulating and paving, by whom paid.

SECTION 8. That the cost of grading and regulating the entire width of said street ready to receive the pavement, paving opposite alleys and open squares not owned by individuals, to be paid by said borough, and the costs of paving and curbing said street and footways to be paid by the owners of the ground respectively, in proportion to the actual front thereon owned by each.

SECTION 9. That the cart-way of said street to be kept in good order and repair at all times thereafter at the cost of said borough, and the curb and foot-ways to be kept in good order by the owners of the ground fronting on the same; and that if any owner of property fronting any street so paved and curbed shall neglect or refuse to make pavement of the amount due for such paving or curbing, then it shall be lawful for the town council to take and prosecute such measures for the collection of the same, as they are now entitled to take for the collection of claims due to the said borough.

Cart-way, curbing, foot-ways, &c., at whose expense to be kept in repair.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 280.

A SUPPLEMENT

To the Walkersville and Bolesburg Plank and Turnpike Road Company, approved April eighteenth, one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, that the Walkersville and Bolesburg plank and turnpike road company shall have power to increase their capital stock to two hundred shares more of stock, at twenty-five dollars per share, and to extend their road from Walkersville to a point on the Tyrone and Lock Haven railroad, at or near Port Matilda, in Bald Eagle valley.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 281.

A N A C T

To repeal the act relating to the Disbursement of the Contingent Fund of the Legislature.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An Act to regulate the disbursement of the contingent fund of the legislature," approved twentieth March, one thousand eight hundred and fifty-seven, be and the same is hereby repealed: Provided, That this act shall not affect any settlement heretofore made.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 282.

A N A C T

Relative to John L. Schick, late Treasurer of Adams county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the auditor general be and he is hereby authorized and directed to allow John L. Schick, late treasurer of Adams county, a credit of one hundred and sixty-five dollars and fifty cents on his account.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The ninth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 283.

A SUPPLEMENT

To an act, entitled "An Act to incorporate the Philadelphia and Delaware River Railroad Company," approved the fourth day of April, Anno Domini one thousand eight hundred and fifty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the occupancy by the Philadelphia and Delaware River railroad company of portions of Frankford avenue and Frankford street, in the city of Philadelphia, for the purpose of the passenger railway track, be and is hereby confirmed and approved, and that the said company shall have power to extend their tracks from the company's present southern terminus at Morris street, southerly to Greenwich point, with a single track on Fifth and Sixth streets; and that from and after the passage of this act, the title of the said Philadelphia Delaware River railroad company, shall be changed and known by the title of the "Frankford and Southwark Philadelphia City Passenger railroad company."

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The ninth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 284.

AN ACT

To incorporate the Philadelphia and Gray's Ferry Passenger Railway Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Edward Brady, W. Young, C. J. Eastwick, J. S. Struthers, John J. Hoopes, J. Gibson, J. M. Williams, D. M. Jones, J. Dick, W. A. Woods, J. Leech, Jr., George M'Henry, Thomas B. Florence, William M. Reilly, John H. Bryant, Jacob J. Commissioners.

Walters, Charles Lafferty, E. R. Helmbold, Charles Dingee, C. Haisley, P. Lafferty, R. F. Christy, James M'Cahan, F. A. Ser-
 vor, Thomas Allison, Luke Keegan, Michael M'Ginnis, Charles
 Whitson, John Murphy, William E. Skillman, William Struth-
 ers, George Whitson, John Melligan, John H. Whiston, Alex-
 ander Henry, James D. Campbell, John M'Intire, A. J. Riley,
 George Kirkpatrick, David M'Clain, Andrew Morrow, George
 W. Middleton, Theodore G. Gauss, B. H. Bartol, S. Benton,
 Charles L. Jordan, James Baird, John Alexander, L. C. Wells,
 James W. Flinn, Henry Y. Smith, William H. Cooper, William
 B. Hood, Jesse Johnson, Alfred Day, R. K. Neff, S. F. Betts,
 T. H. Speakman, William Young, Jr., T. J. Muirhead, John S.
 Thackara, John Campbell, N. Weannemacher, W. J. Jackson,
 John Reid are hereby appointed commissioners to open books,
 receive subscriptions and organize a company under the name
 and title of the Philadelphia and Gray's Ferry passenger rail-
 road company, to continue for a period of twenty years from
 the passage of this act.

Name.

Route.

Purchase of om-
nibuses, &c.Value of, how as-
sessed.May hold real,
estate.Locomotives not
to be used.May cross other
railways at gradeMay connect
with other rail-
ways.

SECTION 2. That said company are hereby authorized and em-
 powered to construct a railway to be worked by horse power,
 and to convey passengers over the same, and for such toll as may
 from time to time be established, from a point at or near the
 Schuylkill river, at Gray's Ferry bridge, as they think fit, by a
 double track along Gray's Ferry road, eastwardly and north-
 eastwardly to the intersection of South street; thence by a single
 track along said South street, eastwardly to twenty-first street;
 thence along said Twenty-first street, northwardly to Pine
 street; thence along said Pine street, eastwardly to Second street;
 thence along said Second street, northwardly to Dock street;
 thence along said Dock street, westwardly and north-westwardly
 to Walnut street; thence along said Walnut street, westwardly
 to Third street; thence along said Third street, southwardly to
 Spruce street; thence along said Spruce street, westwardly to
 Twenty-third street; thence along said Twenty-third street,
 southwardly to the intersection of Gray's Ferry road aforesaid:
Provided, That the said company, before commencing to run
 their cars upon the said streets, shall purchase the stocks of om-
 nibuses, sleighs, horses and harness owned and used upon the
 Spruce street and Pine street lines of omnibuses at the time of
 the completion of the said railway, at a price to be assessed in
 the following manner, to wit: The owners shall choose one dis-
 interested person, and the said company shall choose a second
 person, and the two persons thus chosen shall choose a third
 person, whom together shall appraise such said stocks and the
 value thus arrived at shall be binding and final; and the said
 company shall have the right to purchase real estate and to
 erect thereon such buildings and improvements as may be deem-
 ed expedient for the purposes of the said company, and also to
 purchase the necessary equipments for said railroad. And no
 locomotive shall be allowed to pass over the same, and shall not
 obstruct the said streets by permitting freight cars to pass over
 any portion of said railway; and said company shall have power
 to cross with their tracks at grade, any other lines of railroads,
 and said company may connect with any other railway for pas-
 senger purposes, and said railroad shall be of the guage of five.

feet two inches: *Provided*, That in running over the roads of other railroad companies, the company shall conform to the rules and requirements of the companies whose road they may occupy, as to time and direction of running their cars.

SECTION 3. That the capital stock of said company shall consist of twenty thousand shares of twenty-five dollars each ; and said company shall have power to raise on bonds any sum not exceeding one half of their capital stock for the purpose of carrying out the true intent of this act.

Capital stock.

May issue bonds.

SECTION 4. That dividends of so much of the profits of said company as may appear advisable to the board of managers, shall be declared in the months of January and July in each and every year, and shall be paid at the office of said company after ten days from the time of declaring the same : *Provided*, Said

Dividends.

Proviso.

dividends shall not in any case exceed the amount of the net profits of said company, so that the capital stock shall never be impaired thereby ; and the said company shall annually pay into the treasury of the city of Philadelphia, for the use of said city,

Percnt. on dividends to be paid into city treasury

whenever the dividends shall exceed six per centum per annum on the capital stock, the sum of six per centum on the said dividends thus declared: *And provided*, That the said company shall pave and keep in good repair such portions of said streets as may be occupied by said railway: *Provided*, That the road hereby authorized to be laid out and constructed, shall be a trunk

Proviso.

passenger railway ; and all passenger railway companies now incorporated, or hereafter to be incorporated, in the city of Philadelphia, shall be at liberty to intersect with and use the tracks of said company upon such terms as the companies concerned may agree upon ; and should the companies concerned fail to agree upon proper terms, then they shall each appoint one disinterested person, who shall be approved of by the court of common pleas of said city, and the two thus chosen shall choose a third person also disinterested, who shall also be approved of by said court, and the three thus chosen shall determine on the terms of compensation on which the company hereby incorporated shall grant the use of its road to such other railway company or any of them.

To be a trunk passenger railway.

Other railways to intersect and use

of said city, and the two thus chosen shall choose a third person also disinterested, who shall also be approved of by said court, and the three thus chosen shall determine on the terms of compensation on which the company hereby incorporated shall grant the use of its road to such other railway company or any of them.

Upon failure to agree upon terms, how settled.

SECTION 5. That the said company shall make and have a common seal, and also shall ordain and establish such by-laws and regulations as may appear necessary or convenient for the government of said company, and not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matter and things which to them it may lawfully appertain to do for the well being of said company, and the due ordering and managing of the affairs thereof, in accordance with the provisions of the act regulating railroad companies, approved the nineteenth day of February, one thousand eight hundred and forty-nine, and the supplements thereto. And at every annual election for said president, treasurer and eleven directors, each share of stock shall entitle the holder thereof to one vote: *Provided further*, That before the said company shall use and occupy the said streets, the consent of the councils of the city of Philadelphia shall be first obtained; and said consent shall be taken and deemed to have been given if said councils shall not within thirty days after the passage

Seal.

By-laws.

Subject to.

Votes.

Proviso.

Consent of city councils to be obtained.

Subject to.

of this act, by ordinance duly passed, signify their disapproval thereof; and the said company shall also be subject to an ordinance of the city councils, entitled "An Ordinance to regulate passenger railways within the city of Philadelphia," approved the seventh day of July, one thousand eight hundred and fifty-seven.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The ninth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 285.

A N A C T

To incorporate the Second and Third Street Passenger Railway Company of Philadelphia.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Robbins, Junior, James Verree, Samuel Megargee, William O. Kline, Anthony Miskey, Paul J. Field, Hugh O'Donnell, M. S. Buckley, John P. Verree, James V. Watson, George Read, Curwin Stoddart, Peter Rambo, John H. Bringham, Henry Crilley, Henry Bumm, John K. Gamble, L. D. Anderson, John Horn, Henry Nichols Marseles, Joseph P. Laughead, Harry Connelly, John F. Maescher, Lambert Towns, B. F. Hart, William A. Mitchell, A. A. Gregg, Harry Conrad, Stephen Robbins, George Fisher, Jacob Jones, John Dorlan, Lewis Wunder, Charles D. Robbins, Alexander Cummings, Daniel M. Fox, George Earp, Edward S. Lawrence, Henry Bickley, W. P. Cooper, E. Cameron, Joseph Lingerly, John M'Gregor, J. E. Ridgway, Samuel S. Northman, Thomas W. Higgins, John O'Brien, Francis M'Manus, Charles Harlan, Ferdinand Giesler, Dendy Sharwood, William H. Kiehline, Henry Gerker, Jacob Bender, Andrew M'Bride, Robert Kelton, Robert Cabeen, Samuel B. Jones, William Read, Lewis Shinnick, John Blair, Thomas J. Potts, Charles S. Peall, Charles E. Roberts, Richard M. Berry, Charles Doran, H. R. Cogshall, George H. Hart, John Anspach, Junior, Joseph Glenat, Henry K. Strong, Joseph B. Myers, or a majority of them, be and they are hereby constituted and appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of the Second

and Third Street Passenger railway company of Philadelphia, *Style.*
 with power and authority to lay out and construct a railway,
 commencing at Third and Dock streets, extending northwardly
 along Third street to Brown street, along Brown to Beach
 street, along Beach to Maiden street, along Maiden street or the *Route with sin-*
 opening north of the public square to Frankford road, along *gle track.*
 Frankford road to Queen street, along Queen to Richmond
 street; thence along Richmond street to Allegheny avenue, and
 returning along Richmond to Norris street, along Norris street to
 Franklin avenue, along Franklin avenue to Second street, along
 Second street to Mifflin street, southward along Mifflin street to
 Third street, and along Third street to Dock street, with the
 right to extend the said railway from Third and Brown streets
 northwardly, along Third street to Germantown road, along
 Germantown road to Oxford street, along Oxford eastwardly
 to Third street, along Third street to Norris street, along Norris
 street to Second, and along Second street to Franklin avenue, also
 diverging at Frankford road and Franklin avenue; thence along
 Frankford road to the foot of Queen street, with a single track;
 from thence along Frankford road, with a double track to Maiden
 street; thence along Maiden street with a single track to Penn
 street; thence along Penn street to Coates; and thence along
 Coates street to Second street, to connect at Second street with
 the main track, and with the further right to extend the said
 railway from Frankford road and Queen street northwardly
 along Frankford road to Amber street, southwardly along Am-
 ber street to Front street, and along Front street to Franklin
 avenue, or along such other streets east of Third street, as the
 councils of the city of Philadelphia may authorize for the pur-
 pose of carrying out the object of this act, with a single track
 on each of said streets except Richmond street, which may have *Double track.*
 a double track east of Norris street and Frankford road, which
 may have a double track north of Franklin avenue, with the
 privilege of extending the same north and south along Third *Privilege of ex-*
 and Second streets and Jefferson avenue, and eastwardly along *tending.*
 Richmond street and Frankford road, to any point within the
 city limits, as public convenience may from time to time require,
 subject to all the provisions and restrictions of an act regulating *Subject to.*
 railroad companies, approved the nineteenth day of February,
 one thousand eight hundred and forty-nine, and the several sup-
 plements thereto, so far as the same are not altered or supplied
 by this act; and also to an ordinance of the city councils, entitled
 "An Ordinance to regulate passenger railways within the city of
 Philadelphia," approved the seventh day of July, one thousand
 eight hundred and fifty-seven: *Provided however,* That nothing
 contained in this act shall be construed to authorize the con-
 struction of a double track on Second and Third streets, or on
 Frankford road north of Franklin avenue.

SECTION 2. That the capital stock of the said company consist *Capital stock.*
 of five thousand shares of fifty dollars each: *Provided,* That the
 said company may from time to time, by a vote of the stock-
 holders, at a meeting called for that purpose, increase the capital
 stock, if it should be deemed necessary, to an amount not exceed-
 ing ten thousand shares, for the purpose of completing and
 equipping the railway; the said company shall have the power

May borrow money.	of borrowing any sum not exceeding in amount the one half of their capital stock, at a rate of interest not exceeding seven per centum per annum, and to secure the payment of the same by the issue of a bond and mortgage of the said railroad, together with the corporate rights and franchises granted by this act, and to annex to the said bond and mortgage the privilege of converting the same into the capital stock of the said company, at par, at the option of the holders, if they shall signify their election one year before their maturity: <i>Provided also</i> , That the said company shall issue no certificate of loan of a less denomination than one hundred dollars.
May issue bond and mortgage.	
Proviso.	
Not to use locomotives.	SECTION 3. That the said railway company shall not use a locomotive for the purpose of transporting cars over their road, under the penalty of a forfeiture of their charter; and whenever the said company shall declare dividends exceeding the rate of six per centum per annum, in addition to any tax imposed by general laws of their capital stock, they shall pay into the treasury of the city of Philadelphia, for the use of the said city, a tax of six per centum per annum on the excess of dividend above said rate of six per centum per annum; and the said company, before commencing to use the said road upon said streets, shall purchase, at the option of the owners, the stock of horses, omnibuses, sleighs and harness, owned and used upon the said streets, at the time of commencing the said road, at a price to be assessed by three disinterested persons, to be appointed in the following manner: The said owners shall choose one disinterested person, and the said company shall choose a second person, and the two thus chosen shall choose a third, who also shall be a disinterested person; and the three shall appraise such stock, and the value thus arrived at shall be binding and final upon both parties; and said appraisers shall be sworn to faithfully perform all the duties incident to said appointment, and who shall make the appraisement within thirty days from the time of their appointment.
Per cent. on dividends to be paid into city treasury	
Purchase of omnibuses, &c	
Value of, how assessed.	
Consent of city councils to be obtained.	SECTION 4. That before the said railway company shall commence to use the said streets, the consent of the councils of the city of Philadelphia shall be first obtained, and said consent shall be taken and deemed to have been given, if said councils shall not within thirty days after the passage of this act, by ordinance duly passed, signify their disapprobation thereof; and the said councils may from time to time, by ordinances, establish such regulations in regard to said railway, as may be required for the purpose of paving, re-paving, grading, culverting and laying gas and water pipes in and along said streets and to prevent obstructions thereon; and that the said company, in constructing said road, shall conform to the grades, established by councils, of the several streets and avenues traversed by said railway, and keep said streets in perpetual good repair, at the proper expense of the said company.
Paving, re-paving, grading, &c.	
May cross other railways at grade	SECTION 5. That the said railway company shall have the right to cross at grade any railroad that is now, or that may hereafter be built within the limits of the city of Philadelphia, and to connect with any other passenger railway within the said city.
Flagmen.	SECTION 6. That it shall be the duty of said company, at every point of crossing at grade any railroad upon which locomotive

steam engines are employed, to have flag-men stationed and use all the precautions and means of safety, excepting the gates that are provided in the supplement to an act to the Philadelphia and Delaware River railroad company, authorizing said company to cross the Philadelphia and Reading railroad at grade at Frankford avenue; and the company hereby incorporated, shall be subject to the penalties in said supplement provided for the Philadelphia and Delaware railroad company. Subject to.

SECTION 7. The said railway, on the route described, shall be subject to the use of any part or parts thereof, by any other passenger railway company, for the purpose of completing a route, or making a circuit, upon such conditions as may be agreed upon by such other company and the said Second and Third Street Passenger railway company; and in case the companies cannot agree, then upon such terms and conditions as shall be prescribed by the councils of the city of Philadelphia. Subject to the use by any other passenger railway.
Terms to be prescribed by city councils.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The tenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 286.

A SUPPLEMENT

To an act relative Courts in this Commonwealth, approved the fourth day of May, one thousand eight hundred and fifty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the second section of the act passed the fourth day of May, one thousand eight hundred and fifty-two, relative to the courts of this commonwealth, shall be so construed as to authorize the said courts, where by reason of there being too many persons included as plaintiffs or defendants by mistake, as will prevent the cause from being tried on the merits, to permit an amendment by striking out from the suit such persons as plaintiffs or defendants.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twelfth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 287.

SUPPLEMENT

To an act to provide for the regulation and inspection of buildings in the city of Philadelphia, and for the better preservation of life and property, passed May seventh, Anno Domini one thousand eight hundred and fifty-five.

Act appointing
two building in-
spectors repealed

Inspectors, ap-
pointment of by
courts and city
councils.

Duties of.

Proviso.

Salary.

Repeal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act to which this is a supplement, as provides that the judges of the court of common pleas of the city and county of Philadelphia shall appoint two building inspectors, be and the same is hereby repealed; and in the month of May, one thousand eight hundred and fifty-eight, or as soon thereafter as possible, the judges of the court of common pleas shall appoint one person, and the judges of the supreme court of this state shall appoint one person, and the select and common councils of the city of Philadelphia shall elect jointly, on the third Thursday in April, Anno Domini one thousand eight hundred and fifty-eight, one person, who shall possess all the qualifications provided in the act to which this is a supplement, who shall perform all the duties and be subject to all the penalties now imposed by law upon the building inspectors of said city; said building inspectors shall hold their office for three years from the first Monday in July, one thousand eight hundred and fifty-eight, or until their successors are duly appointed and qualified: *Provided,* That the court of common pleas shall not appoint until the first day of June, Anno Domini one thousand eight hundred and fifty-nine; and the inspector of the first district as now divided shall continue in office until the expiration of the term for which he was appointed.

SECTION 2. That the said inspectors so appointed, shall be paid an annual salary of two thousand dollars each.

SECTION 3. That all laws or parts of laws inconsistent with the provisions of this act, be and the same are hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 288.

A N A C T

To incorporate the North Branch Passenger Railway company of the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Weight, Robert Buchanan, John L. Crawford, Charles Whitson, Thomas O. Plum, Samuel Hultz, Patrick Kelly, John H. Whitson, M. Davis, Daniel T. Moore, John Powers, N. R. Mosely, A. B. Ivins, G. W. Whitson, C. T. Thomas, John Weaver, Daniel Dougherty, S. Morton Zulick and Isaac M. Ashton, or any five of them, are hereby appointed commissioners to open books, receive subscriptions and organize a company by the name, style and title of the North Branch Passenger railway company of the city of Philadelphia, with power to lay out and construct a railway from the intersection of Fifteenth and Chestnut streets; thence along Fifteenth street to Vine street; thence along Vine street to Sixteenth street; thence along Sixteenth street to Walnut street, and to connect with any passenger railway now constructed or hereafter to be constructed, so as to give to said company a complete route from Fairmount to the Exchange, in the said city of Philadelphia; and the said company shall have power to convey passengers over the said route to and from Fairmount to the Exchange as aforesaid, and they shall have the right to purchase real estate, and to erect thereon such buildings and improvements as may be necessary or deemed expedient for the purposes and convenience of said company, and also to purchase the necessary equipments, such as horses, cars, or other vehicles, for the conveyance of passengers on the said railway; and no freight or burden trains or locomotives shall be permitted to pass over said railway: *Provided*, That before the said company shall run their cars on the track or tracks of any other passenger railway, they shall agree with such other company or companies upon the terms of compensation to be paid said company or companies for the privilege of so using said roads, and that if the said parties shall not be able to agree upon terms, the determination of the dispute shall be submitted to the councils of Philadelphia, whose adjustment shall be binding and conclusive: *Provided*, That it may be lawful for any other railroad within the city of Philadelphia, upon which horse power is used as motive power, to connect with the said North Branch Passenger railway, upon the same terms and in the same manner upon which the said North Branch Passenger railway is authorized to connect with other passenger railways.

Commissioners.

Style.

Route

May connect with any other passenger railway.

May hold real estate.

Proviso.

Proviso.

Capital stock.

SECTION 2. That the capital stock of said company shall consist of three thousand shares of fifty dollars each: *Provided*, That said company shall have power, by a vote of the stockholders convened for that purpose, to increase their capital stock

as much as in their opinion shall or may be necessary to complete said railway, and to carry out the full and true intent and meaning of this act.

Dividends.

SECTION 3. That dividends of so much of the profits of said company as shall appear advisable to the directors thereof, shall be declared in the months of January and July in each and every year, and be paid at the office of said company, at any time after ten days from the time of declaring the same; but said dividends shall in no case exceed the amount of the net profits of said company, so that the capital stock shall never be impaired thereby; and if said directors shall make any dividends impairing the capital stock of said company, the directors consenting thereto shall be liable in their individual capacities to said company for the amount so divided; and each director present when such dividends shall be declared, shall be considered as consenting thereto, unless he or they enter their written protest upon the minutes of the board, and give public notice of the same.

Seal.

SECTION 4. That the said company shall make and have a common seal, and the same to alter and renew at pleasure, and also shall have power to ordain, establish and put in execution such by-laws, ordinances and regulations, as shall appear necessary or convenient for the government of said corporation, and not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due ordering and managing of the affairs thereof.

By-laws.

Officers.

SECTION 5. That said company shall have power to elect or appoint a president and five directors, a majority of whom shall, with the president, be citizens of Philadelphia, and such other officers as shall be deemed necessary or expedient; and in every election for officers each share of stock shall entitle the holder to one vote.

May issue bonds.

SECTION 6. That said company shall have power to raise on their bonds or other security, any sum of money not exceeding one-half their capital stock, for the purpose of carrying out the true intent and meaning of this act.

Not to connect with any other than passenger railway.

SECTION 7. That the said railway company shall not connect with any railroad other than for the purpose of carrying or conveying passengers; and their railway shall be of the same uniform gauge as other city passenger railways now constructed in said city of Philadelphia, under the penalty of a forfeiture of their charter; and the said company shall annually pay into the treasury of the city of Philadelphia, for the use of said city, whenever the dividends shall exceed six per centum on the capital stock, the sum of six per centum on the said dividends thus declared; and the said company, before commencing to use said road upon the said streets, shall purchase, at the option of the owners, the stock of horses, omnibuses, sleighs and harness owned and used upon the said streets at the time of commencing the said road, at a price to be assessed in the following manner: The said owners shall choose one disinterested person, and the said company shall choose a second person, and the two thus chosen shall choose a third, who also shall be a disin-

Percent. on dividends to be paid into city treasury.

Purchase of omnibuses, &c.

interested person, and the three shall appraise such stock, and the value thus arrived at, shall be binding and final upon both parties: *Provided*, That whenever any damages shall be sustained

Proviso.

by reason of this company taking possession of lands or other property other than above described, except so far as the usufruct of the before-mentioned streets, necessary to the full and perfect enjoyment of the purposes of this act designed, the said damages shall be assessed and paid in the manner and according to the provisions of the eleventh section of the act of nineteenth of February, Anno Domini one thousand eight hundred and forty-nine, entitled "An Act regulating railroad companies," and the several supplements thereto: *And provided further*, That

Subject to.

before the said company shall use and occupy said streets, the consent of the councils of the City of Philadelphia shall be first obtained; and said consent shall be taken and deemed to have been given, if said councils shall not within thirty days after the passage of this act, by ordinances duly passed, signify their disapproval thereof; and said councils may from time to time by ordinance establish such regulations in regard to said railway, as may be required for the paving, re-paving, grading, culverting and the laying of gas and water pipes in and along said streets, and to prevent obstructions thereon.

Consent of city councils to be obtained.

SECTION 8. That the said company, in constructing said railway, shall conform to the grades now established, or hereafter to be by law established, of the several streets and avenues traversed by said railway, and keep said streets and avenues in perpetual repair, at the proper expense of said company.

Must conform to grades.

SECTION 9. The road herein authorized shall be commenced within one year, and finished within three years from the passage of this act: *Provided*, That the privileges hereby granted shall continue for twenty years and no longer, unless extended or renewed by the legislature.

Limitation.

Proviso.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The tenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 289.

A SUPPLEMENT

To the act re-chartering the Tradesmen's Bank of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the proviso attached to the act re-chartering the Tradesman Bank of Philadelphia, approved the seventh day of May, Anno Domini one thousand eight hundred and fifty-five, be and the same is hereby repealed: Provided, That said bank shall not be located north of Chesnut street in the city of Philadelphia.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 290.

AN ACT

Authorizing the Canal Commissioners to examine into the claim of Theodore Franks, of Mifflin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners are authorized and required to examine the claim of Theodore Franks, for superintending and engineering certain work at Huntingdon, on the Juniata division of the Pennsylvania canal, and report the amount to the legislature as soon as practicable.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 291.

A N A C T

Establishing a Public Ferry across the Allegheny river, in Hickory and Allegheny townships, Venango county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Caleb Richardson, his heirs and assigns, shall have the right *Ferry authorized* and privilege, at his or their own expense, to make good and convenient landings on each side of the Allegheny river, at a place near the mouth of East Hickory creek, in said county, on the land now owned by the said Caleb Richardson and George Siggins, and to use the river between said landings as a public ferry; and also the right and privilege of erecting posts on any land or lands contiguous to or adjoining said lands, and to extend therefrom and across said Allegheny river, a chain or wire, in order to facilitate the crossing of said stream: *Provided, That* *Proviso.* the said chain or wire shall be so extended as not to interfere with or obstruct the ascent or descent of crafts navigating said river: *Provided, That* *Proviso.* the said Caleb Richardson, his heirs and assigns, shall pay to the owner or owners of said land or lands on which the before-mentioned posts may be erected, all damages which may accrue to said owner or owners in consequence thereof, which said damages (if they cannot be amicably arranged) shall be assessed by a jury of three persons appointed by the court of quarter sessions of Venango county, and their report and proceedings shall be the same in every respect, as in the case of opening roads under existing laws.

SECTION 2. That the said Caleb Richardson, his heirs and assigns, shall keep the said ferry in good order and repair, fit for *To be kept in good order.* the transportation and passage of travelers, teams and carriages of all descriptions, and keep good and sufficient boats and other crafts, and competent and careful ferrymen, who shall constantly, as occasion may require, attend for the purpose of carrying passengers, teams, carriages and others across the river with all reasonable diligence and care.

SECTION 3. That the said Caleb Richardson, his heirs and assigns, for keeping and maintaining the said landing and ferry *Tolls* as aforesaid, shall receive compensation from persons passing over said river at said ferry at the following rates, to wit: For each foot person, five cents; for each person and horse, ten cents; for each one horse carriage, fifteen cents; for each two horse carriage or wagon, twenty-five cents; for each four horse wagon, thirty-five cents; for each additional horse, five cents; for each yoke of oxen, ten cents, and for each head of horned or neat cattle led or drove, three cents; for each head of sheep or swine led or driven, one cent.

SECTION 4. That if any person or persons shall wilfully pull *Injury to boats, &c.* down, cut or break, or in any way injure or destroy any chain,

wire or boat or other property, or shall take from its mooring any craft or boat belonging to said ferry, he, she or they so offending, shall each of them forfeit and pay to the said Caleb Richardson, his heirs and assigns, the sum of twenty dollars in addition to all damages sustained by the said Caleb Richardson, his heirs and assigns, to be recovered as debts of like amount are recoverable.

Prohibition.

SECTION 5. That all other persons are hereby prohibited from using the said river for the purpose of a ferry, within half a mile above and a half mile below the said ferry ; and any person or persons violating the provisions of this act, shall forfeit and pay to the said Caleb Richardson, his heirs and assigns, the sum of one dollar for each and every traveler, team, head of cattle, horse or carriage carried over the river within the said above named bounds: *Provided*, That nothing in this act contained shall be construed to prevent persons owning the shore on both sides of the river, within said limits, from transporting persons and property free of charge.

Proviso.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 292.

A N A C T

For the relief of Michael Anderson, of Armstrong county, a Soldier of the Indian War.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer be and he is hereby authorized and required to pay to Michael Anderson, of Armstrong county, an old soldier of the Indian war, a gratuity of forty dollars and an annuity of forty dollars, during his life, payable half yearly, commencing on the first day of January, Anno Domini one thousand eight hundred and fifty-eight.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 293.

A N A C T

To authorize the erection of a Lock-up House in the borough of Middletown, in the county of Dauphin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Middletown, in the county of Dauphin, be and they are hereby authorized and empowered to furnish materials and build or otherwise provide and support, in said borough, at the expense of said borough, a suitable house for the security and temporary detention of persons committed by justices of the peace or burgess of said borough, or members of the town council acting in his place, for any violations of the laws of this commonwealth, or of the ordinances of said borough, for which such person or persons could be lawfully committed to the common jail of said county, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence: *Provided*, That no person shall be confined in said house at any one time, for a longer period than forty-eight hours, except such person be charged with an indictable offence, and it be necessary to detain such person or persons for further examination.

Borough of Middletown to erect a lock-up house.

Proviso.

SECTION 2. That the legal fees for the arrest, commitment and safe keeping of any person or persons, in said house, on a charge of any indictable offence, shall be taxed by the proper authority, and paid by the party, the prosecutor, or the county of Dauphin, as the issue of the case may require.

Fees.

SECTION 3. That the burgess and town council, or a majority of them, shall have power to appoint a proper person to keep the said lock-up house, and they are hereby empowered to pay such person for such services, what the said burgess and town council, or a majority of them, may deem just and proper; said sum to be paid out of the funds of said borough.

Appointment of keeper.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 294.

A N A C T

To change the time of holding the Borough Elections in the borough of M'Connellsburg, in the county of Fulton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of January, one thousand eight hundred and fifty-nine, the time of holding the borough elections in the borough of M'Connellsburg, in the county of Fulton, shall be so changed that the borough elections shall be held in and for said borough on the same day, annually, that constables are elected, and all the borough officers and the school directors shall be elected at said time; and any law inconsistent with this is hereby repealed.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 295.

A N A C T

Relative to Bonds issued by the county of Allegheny, for Stock in Railroad Companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the commissioners of the county of Allegheny be and they are hereby authorized to exchange with any one or more holders, or owners, or trustees, or guardians of any holder or owner of bonds of said county, issued in payment for stock in any railroad company, any amount of said stock now owned by said county, for an equal amount of the said bonds, each at their par value: *Provided*, That no stock shall be exchanged except for bonds issued in payment for stock in the same company; and within one month after effecting any such exchange, said com-

missioners shall publicly cancel any bonds received for stock, in the presence of one or more judges of the court of common pleas, who shall sign a certificate of such cancellation upon the minutes of the board.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 296.

AN ACT

Appropriating Lock number Twenty-eight, on the French Creek and Franklin line of the Pennsylvania canal, to the use of the county of Mercer.

WHEREAS, Lock number twenty-eight, on the French Creek and Franklin line of the Pennsylvania canal, in the county of Mercer, in consequence of the abandonment of said canal for a number of years, is utterly useless and of no public benefit, the dam being cut up and destroyed:

And whereas, There is a county bridge on French creek, in the immediate vicinity, which must be re-built in a short time, at considerable expense, and there is abundance of stone in said lock to re-build said bridge; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the interest of the commonwealth, of, in and to lock number twenty-eight, on the French Creek and Franklin line of the Pennsylvania canal, be and is hereby vested in the county of Mercer, for the purpose of re-building said bridge on French creek.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 297.

A N A C T

Regulating the time of Holding the Orphans' Court of the county of Berks.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the sixth day of August next, the stated sessions of the orphans' court of the county of Berks, shall commence on the first Thursday after the third Saturday succeeding the last day of each term, and shall continue as long as may be necessary; and all process issued by said orphans' court, and rules taken therein, shall be made returnable on said Thursday, and said orphans' court shall also be held at such other times as the judges thereof shall think necessary and proper; and all laws inconsistent herewith be and the same are hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 298.

A N A C T

Authorizing the Corporation of the borough of Easton to make a Loan.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the corporation of the borough of Easton be and they are hereby authorized to borrow any sum of money not exceeding twenty-five thousand dollars, to pay off the present bonds of the said corporation, and for that purpose to issue the bonds of the said corporation, with interest coupons attached, in such sums and payable with interest at such dates as the town council of the

said borough of Easton shall order and direct, and to dispose of the said bonds for the purpose aforesaid, for the best rates and on the best terms that can be obtained for the same: *Provided* That the permanent debt of the said borough shall not be increased by virtue of this act, beyond the previous limits of thirty thousand dollars, as fixed by law: *And provided further*, That no bond shall be issued for a less amount than fifty dollars.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 299.

A N A C T

Changing the venue of a certain Action from Union to Northumberland county.

WHEREAS, A certain action of ejectment has been brought by Rebecca D. Quinn, against Alfred Kneass, William Heart and Mary Jenkins, in Union county, and, owing to certain prejudices and other causes, it is believed justice demands a change of the place of trial; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* a certain action of ejectment now pending in the court of common pleas of Union county, against Alfred Kneass, William Heart and Mary Jenkins, for February term, one thousand eight hundred and fifty-eight, number thirty-five, be and the same is hereby removed and transferred to the court of common pleas of Northumberland county, to be there tried at one of the regular terms of said court, in the same manner as if it had been originally instituted in the last named court; and the record in said action shall be certified by the said court of common pleas of Union county, to the said court of common pleas of Northumberland county, for trial aforesaid; and on final judgment such writs of execution shall be issued as may be necessary to carry the same into effect; and the said final judgment shall be subject to writs of error to the supreme court, as in other cases; and in case of reversal and new trial awarded, it shall be tried

LAWS OF PENNSYLVANIA,

in Northumberland county, in the same manner as is hereinbefore described.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 300.

A SUPPLEMENT

To an act passed the fourteenth day of April, Anno Domini one thousand eight hundred and fifty-one, relating to service of Writs in certain Actions of Ejectment.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the provisions of the eleventh section of the act passed the fourteenth day of April, one thousand eight hundred and fifty-one, relative to the service of writs in certain actions of ejectment, shall hereafter extend to all cases where claimants and mortgagees may desire to bring actions of ejectment for any unseated or unoccupied lands within this commonwealth, whenever the adverse claimant or mortgagor does not reside in the county where such lands are situate, and has no known agent or person having the charge or superintendence of said lands, resident within said county: Provided, That before any trial or judgment shall be had in such suit, it shall be made to appear to the satisfaction of the court, that the defendant has had notice in fact of the suit, in time to appear and defend it; and if the defendant be a corporation, this notice may be given to the president or other chief officer thereof.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 301.

AN ACT

Relating to the Election of Borough Officers in the borough of Coudersport, Potter county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act the number of councilmen in the borough of Coudersport, Potter county, shall be six, and at the first election held after the passage of this act, the qualified electors of said borough shall elect six councilmen, two of whom shall serve for three years, two for two years, and two for one year; and that annually thereafter, at the elections held in said borough, the qualified citizens thereof shall elect two councilmen to serve for three years. Councilmen, number to be elected.

SECTION 2. That in case of vacancy created by death, resignation or otherwise, of any member of the said board, it shall be the duty of the burgess to appoint a suitable person to fill such vacancy until the next election. Vacancy, how filled.

G. NELSON SMITH,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 302.

AN ACT

To incorporate the Fairmount Passenger Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Morris, E. F. Prentiss, R. Coulton Davis, Joseph B. Hanson, George Chandler, James M. Smith, Seneca E. Malone, William H. James, Joseph C. Kern, James Stroup, Thomas Allman, William Penrose, Aaron B. Ivins, Richard Stokes, George C. Bower, Henry Grambo, Stephen N. Winslow, William Commissioners

	K. Bray, John Derbyshire, Morris Davis, Lafayette Baker, Peter C. Ellmaker, John Ashton, M. D., Jonathan Loyd, James Steel, S. J. Ray, John White, William Anspach, Solomon Bunn, Joseph Harrison, Jr., William H. Harding, D. R. Smith, Isaac M. Krupp, Charles A. Jones, N. R. Mosely, Isaac W. Ashton, S. Martin Zulick, or any five of them, are hereby appointed commissioners
Style.	to open books, receive subscriptions and organize a company by the name, style and title of the Fairmount Passenger railway company, and as such shall have power to lay out and construct a railway in the city of Philadelphia, according to the following routes:
Route.	From the south side of Fairmount to Callowhill street, respectively; thence east on Callowhill street to Twenty-third; thence south to Vine street; thence east to Second street; thence south to Walnut or Dock streets; thence west to Third street; thence north to Race street; thence west to Twenty-second street; thence north to Callowhill street, with a double track on Callowhill street to Fairmount, the place of beginning, with the
To intersect with certain other railroads.	right to intersect and run their cars over any railroad already incorporated, or which may hereafter be incorporated and located on Second street; from Vine to Dock street; from Dock to
Upon what terms	Third street, and from thence to Race street, in said city, upon such terms as may be agreed upon by the parties interested, or
When parties cannot agree, councils to fix terms.	in case the parties interested cannot agree upon the terms aforesaid, then the city councils, upon petition of either of the parties interested, shall fix the terms in such manner as shall be deemed right and equitable, and shall have power to convey passengers over the same; and the said company shall also have
Real estate.	the right to purchase real estate and to erect thereon such buildings and improvements as may be deemed expedient and necessary for the purposes of said company, and also to purchase the necessary equipments for said railways; and no freight or burden trains, or locomotives, shall be permitted to pass over the same.
Capital.	SECTION 2. That the capital stock of said company shall consist of six thousand shares of fifty dollars each: <i>Provided</i> , That said company may from time to time, by a vote of the stockholders, at a meeting convened for that purpose, to increase their capital stock as much as in their opinion may be necessary to complete said railways, and to carry out the true intent and meaning of this act.
Dividends.	SECTION 3. That dividends of so much of the profits of said company as shall appear advisable to the directors, shall be declared in the months of January and July in each and every year, and be paid at the office of said company, any time after ten days from the time of declaring the same; but said dividends shall in no case exceed the amount of the net profits of said company, so that the capital stock shall never be impaired thereby; and if said directors shall make any dividend impairing the capital stock of said company, the directors consenting thereto, shall be liable in their individual capacities to said company for the amount so divided, and each director present when such dividend shall be declared, shall be considered as consenting thereto, unless he or they enter protest upon the minutes of the board and give public notice of the same.
Seal.	SECTION 4. That the said company shall make and have a common seal, and the same to alter and renew at pleasure, and

also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary or convenient for the government of said corporation, and not being contrary to the constitution and laws of the United States or of this commonwealth, and generally to do for the well being of said corporation and the due ordering and managing of the affairs thereof.

By-laws, ordinances, &c

SECTION 5. That said company shall have power to elect or appoint a president and five directors, a majority of whom, with the president, shall be citizens of Philadelphia, and such other officers as may be deemed necessary or expedient; and in every election for officers each share of stock shall entitle the holder to one vote.

Officers.

SECTION 6. That said company shall have power to raise on bonds any sum not exceeding one-half of their capital stock, for the purpose of carrying out the true intent of this act: *Provided*, That no bond shall be issued for a less sum than one hundred dollars.

May issue bonds.

SECTION 7. That the said railroad company shall not connect with any railroad other than for passenger purposes, and of the same gauge, under the penalty of a forfeiture of their charter; and the said company shall annually pay into the treasury of the city of Philadelphia, for the use of said city, whenever the dividends shall exceed six per centum on the said dividends thus declared; and the said company before commencing said road upon the said streets, shall purchase, at the option of the owners, all the stock of horses, omnibuses, sleighs and harness and incidentals owned and used upon the said streets at the time of commencing the said road, at a price to be assessed in the following manner, to wit: The said company shall choose one disinterested person, and the said owners shall choose a second person, and the two thus chosen shall choose a third person, who together shall appraise such stock, and the value thus arrived at shall be binding and final: *Provided*, That whenever any damages may be sustained by reason of this company taking possession of lands or other property, other than above described, except so far as the usufruct of the before named streets necessary to the full and perfect enjoyment of the purposes by this act designed, and the said damages shall be assessed and paid in the manner and according to the provisions of the eleventh section of the act of nineteenth of February, Anno Domini one thousand eight hundred and forty-nine, and the several supplements thereto, entitled "An Act regulating railroad companies:" *And provided further*, That before the said company shall use and occupy the said streets, the consent of the councils of the city of Philadelphia shall be first obtained; and said consent shall be taken and deemed to have been given, if said councils shall not within thirty days after the passage of this act, by ordinances duly passed, signify their disapproval thereof; and said councils may from time to time by ordinance establish such regulations in regard to said railway as may be required for paving, re-paving, grading, culverting and laying of gas and water pipes in and along said streets, and to prevent obstructions thereon.

Must not connect with any other than passenger railway.

Per cent. to the city.

Purchase of omnibuses, &c.

Damages.

Subject to.

Consent of city councils to be obtained.

Must conform to
grades of streets.

SECTION 8. That said company in constructing said road, shall conform to the grades now established or hereafter to be by law established, of the several streets and traversed by said roads, and keep said streets in perpetual good repair at the proper expense of said company.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 303.

AN ACT

Repealing an act appointing Commissioners to re-view and lay out a State road from Waynesburg, in Greene county, to Benjamin Covert's, in Fayette county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That an act, entitled "An Act appointing commissioners to re-view and lay out a state road from Waynesburg, in Greene county, to Benjamin Covert's, in Fayette county," approved the twelfth day of April, Anno Domini one thousand eight hundred and fifty-six, be and the same is hereby repealed.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 304.

A N A C T

To authorize the collection of Road Taxes in Washington and Bell townships, in Westmoreland county, in money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the supervisors of Washington and Bell townships, in the county of Westmoreland, and their successors in office, be and they are hereby authorized and directed to appropriate any money they have or may have in their hands, in equal proportions, towards paying and defraying one-half the cost and expenses of building a bridge across Beaver Dam creek, near Chambers's saw mill, where the road from Appollo to Saltsburg crosses said Beaver Dam creek, on the line between the said townships of Washington and Bell; and in case said supervisors may not have money sufficient for said purpose, then they or their successors in office are hereby authorized and directed to lay and collect in money in equal proportions, a sum sufficient to pay and discharge any balance that may be wanting and necessary to defray the one-half of the cost and expenses of building and erecting said bridge at the place aforesaid; and the said supervisors or their successors in office are hereby authorized in return, to subscribe in equal proportions on behalf of said townships, a sum of money sufficient to pay and discharge one-half the cost and expenses of erecting and putting up said bridge at the place aforesaid.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 305.

A N A C T

Granting John Mausperger compensation for a Tract of Donation Land.

WHEREAS, There was allotted to William Webb, for his services in the Revolutionary war, donation tract of land in the

tenth donation district, number two thousand one hundred and twenty-six, the title to which by divers conveyances and assurances in law for a valuable consideration, became vested in John Mausperger :

And whereas, In the adjustment of the boundary line between the state of Pennsylvania and the state of New York, said donation tract number two thousand one hundred and twenty-six, fell without the boundary of Pennsylvania and within the state of New York, and thereby the said William Webb, his heirs and assigns, were deprived of all right thereto by reason of the invalidity of the grant from this commonwealth ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the treasurer be and he is hereby authorized and directed to pay to John Mausperger, or to his certain attorney, the sum of four hundred dollars, in lieu of said donation tract of land of two hundred acres.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 306.

AN ACT

To incorporate the Kittanning Gas Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That

Corporators.

Style.

Privileges

General Robert Orr, Thomas M'Connell, Alexander Reynolds, Darwin Phelps, John V. Painter, Ephraim Buffington, Philip Mechling, E. S. Golden, John T. Crawford, John B. Finlay, G. T. Crawford, James M'Cullough and James Douglass, and their successors and associates, be and the same are hereby made and constituted a body politic and corporate by the name, style and title of the Kittanning gas company, to be located in Kittanning, Armstrong county, and by the said name they and their successors shall and may have perpetual succession, and shall be in law capable of suing and being sued, pleading and being impleaded in all courts and judicatories whatever, and also of contracting and being contracted with, relative to the business and

objects of said corporation as hereinafter declared; and they and their successors may have a common seal, and may change and alter the same at pleasure, and shall have power to lease and purchase in fee simple or otherwise, such real estate as may be necessary for carrying on the business of said corporation, and in their corporate name to borrow money, and to make and execute obligations for the liabilities created in the transaction of said business of the corporation.

SECTION 2. That the said corporation shall have exclusive authority to supply with gas light the borough of Kittanning and its vicinity, in the county of Armstrong, and such persons, partnerships and corporations residing therein as may desire the same, at such price as may be agreed on, and also to make and erect within said borough the necessary buildings, machinery and apparatus for manufacturing and distributing the same, with the right to enter upon any public street, lane, alley or highway, for the purpose of laying down pipes, altering, inspecting and repairing the same, doing as little damage to said streets, lanes, alleys or highways, and impairing the free use thereof as little as possible. Gas to be supplied.

SECTION 3. That the capital stock of said corporation shall be twenty thousand dollars, to be divided into shares of fifty dollars each, and may be increased from time to time, not to exceed fifty thousand dollars, as the managers thereof shall deem necessary, for all of which stock certificates shall be issued, signed by the president and countersigned by the secretary, and sealed with the common seal of said corporation, which certificates shall be transferable only by the owner thereof, or by attorney duly authorized for that purpose, in the presence of the president or secretary, in a book kept for that purpose by said corporation: *Provided*, That a majority of the managers are satisfied said transfer shall be made. Capital stock. Proviso.

SECTION 4. That the said named persons, or a majority of them, shall, as soon as one hundred shares of stock are subscribed, give at least two weeks' previous notice in two newspapers published in said borough, of the time and place by them appointed for the subscribers to meet, in order to organize the said company, and to choose by a majority of votes of the said subscribers, by ballot, to be given in person, or by proxy duly authorized, five managers to serve until their successors shall be duly elected, which shall be annually on the first Monday in January thereafter, and said managers shall have power to select one of their number as president, and also a secretary and treasurer, to serve for the same term; and the manner of conducting said election shall be prescribed in the by-laws of said corporation, and at all elections the stockholders shall be entitled to one vote for each share of stock, bona fide held by him, her or them, either as trustees, executors or administrators at the time of holding said election. Organization of company. Officers. Votes.

SECTION 5. That the board of managers of this corporation shall have power to make by-laws for their own regulation, not inconsistent with the laws of this commonwealth, and shall keep minutes of their proceedings, which shall at all proper times be open to the inspection of the stockholders, and all such acts and things for the proper regulation and government of the corpora- Powers.

Dividends.

tion as they may deem necessary ; they shall have power to declare dividends of so much of the net profits of the corporation as shall appear to them to be advisable, and at such times as the by-laws may fix, which shall be paid to the stockholders on demand ten days after the same shall have been declared.

Penalty of using gas without authority.

SECTION 6. That if any person or persons shall open a communication into the gas main or other gas pipes of the said company without authority from the proper officer thereof, or shall let on the gas after it has been stopped by order of the company or its authorized agent, or use any gas without drawing it through the metres put up for the purpose of measuring the same, or shall put up any pipes or burners without having the same inspected and approved by the proper officer appointed by the corporation to inspect at proper times and under proper circumstances the pipes, metres and burners, et cetera, put up in any building, he, she or they so offending shall be subject to a penalty of not less than twenty nor more than eighty dollars, to be recovered before any justice of the peace as debts under one hundred dollars are recovered, one-half to go to the informer, who shall be a competent witness, the other half to the company.

Penalty for injuries to works.

SECTION 7. That if any person shall wilfully or maliciously do or cause to be done any act or acts whatever whereby any building, construction or works of said company, or any gas pipe, gas post, burner or reflector, or any matter or thing appertaining to the same, shall be stopped, obstructed, injured or destroyed, the person or persons so offending shall be considered guilty of a misdemeanor, and may be therefor indicted in the court of quarter sessions, and on conviction thereof shall be punished by a fine of not less than one hundred nor more than five hundred dollars, or be imprisoned for a period of time not less than ten days, nor more than one year, or both, at the discretion of the court: *Provided*, That such criminal prosecution shall in no way impair the right of said company to a full compensation in damages by a civil suit.

Proviso.

Payment of stock

SECTION 8. That if any subscriber for stock to said company, or his, her or their assigns, shall refuse or neglect to pay any instalment called for by the said company at the place appointed, and the same shall remain unpaid for thirty days after the time appointed, he, she or they shall, in addition to the instalment called in, pay at the rate of five per centum per month for delay, and if the same shall remain so long that the penalty shall amount to the sum actually paid in by the said stockholders, it shall be in the power of the said company to forbid said stock, and the amount paid thereon may be disposed of by the said company as will best promote their objects.

May issue certificates of credit.

SECTION 9. That the managers of said company are hereby authorized to issue certificates of credit or evidences of indebtedness for any sum or sums of money not exceeding fifteen thousand dollars at any one time, for the purpose of aiding them in the construction of their works, and managing the business of the company ; said certificates shall be signed by the president and attested by the secretary, and shall have such interest as may be agreed upon, not exceeding eight per centum per annum ; said certificates shall be made payable at the office of the com-

pany, within twenty years from the time of issuing thereof: *Provided*, That said certificates shall not issue for a less sum Proviso. than fifty dollars, and to secure the payment of said certificates there shall be a general mortgage given upon the real estate, and all the effects of the said company, for the benefit of such person or persons as may at any time hold said certificates: *Provided*, That the stockholders of said company shall be jointly and Liabilities. severally liable in their individual capacities for all debts due mechanics, workmen and laborers employed by, and for material furnished to said company to the amount remaining unpaid on each share of stock held by them respectively, to be sued for and collected as provided in the twelfth, thirteenth and fourteenth sections of an act incorporating the Lackawanna iron and coal company, approved April fifth, eighteen hundred and fifty-three.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 307.

A N A C T

Relative to the Columbia and Chestnut Hill Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That upon the request of the gate-keeper, every wagoner, teamster or Loaded wagons to be weighed. carter, passing through any gate on the road of the Columbia and Chestnut Hill turnpike road company, with a loaded wagon, cart or other vehicle, shall weigh such loaded wagon, cart or other vehicle on the scales provided and furnished by said company, for that purpose, and for every refusal or neglect to do so after such request, shall forfeit and pay to said company a penalty Penalty for refusal. of five dollars.

SECTION 2. That every wagoner, carter or teamster obstructing Read not to be obstructed. the road of the Columbia and Chestnut Hill turnpike road company, with his wagon, cart or team, or otherwise, after notice from the gate-keeper or other officer of said company to remove the obstruction, shall forfeit and pay to said company a penalty Penalty. of five dollars, and a like penalty for every hour such obstruction shall be continued after such notice to remove it.

Persons passing
without paying
toll, how pro-
ceeded against.

SECTION 3. If any person or persons shall pass through any toll-gate, or over and upon any part of the road of the Columbia and Chestnut Hill turnpike road company, with any animal or animals, or any vehicle or vehicles, without paying toll, it shall and may be lawful for the said company to sue for and recover toll from such person or persons as debts of like amount are now by law recoverable, with cost of suit; and in every such suit the collector of tolls shall be a competent witness for the plaintiff: *Provided*, That such suit shall be brought within three years from the time such person or persons shall have so passed through said gate, or over and upon said road, without paying toll; and the proviso of the fifth section of the act, approved April nineteenth, one thousand eight hundred and fifty, relating to turnpike and plank road companies, shall not apply to the said the Columbia and Chestnut Hill turnpike road company.

Proviso.

Loads, how com-
puted.

SECTION 4. That every wagoner, carter or teamster hauling over said Columbia and Chestnut Hill turnpike road, or any part of it, any greater weight than three and one half tons, exclusive of wagon, at any one load, unless by consent of said company previously obtained, shall forfeit and pay to said company for every such load a penalty of five dollars.

Penalty.

Further penalty.

SECTION 5. That for every violation of this act the owner or owners as well as the driver or drivers of any team, cart or wagon, or other vehicle, shall be liable, and may be sued jointly or severally, for the penalty or penalties imposed by this act; and any penalty imposed by this act may be recovered by the said the Columbia and Chestnut Hill turnpike road company before any alderman, justice of the peace, or court of record of this commonwealth, with costs of suit.

Toll not to be de-
manded in cer-
tain cases.

SECTION 6. That the said Columbia and Chestnut Hill turnpike road company shall not demand toll from any person or persons passing and re-passing from one part of his, her or their farm to any other part of the same.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 308.

A N A C T

Relative to the Administration of Justice in Indiana county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the provisions of the act of assembly, entitled "An Act relating to the administration of justice in the county of Mercer," approved the eleventh day of February, Anno Domini one thousand eight hundred and forty-seven, be and they are hereby extended to the court of common pleas of Indiana county.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH, *

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 309.

A N A C T

To give Jurisdiction in Equity to the Supreme Court and the Court of Common Pleas for the county of Philadelphia, in cases of Disputed Boundaries.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same.* That the supreme court in and for the Eastern district of Pennsylvania, and the court of common pleas of Philadelphia, respectively, shall have all and singular the jurisdictions and powers of a court of chancery, in all cases of disputed boundaries between adjoining and neighboring lands within the said county, whether the parties owning the same, hold or claim to hold under the same or different titles.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 310.

AN ACT

To appoint Road Commissioners to take charge of a portion of the Warren and Ridgway Turnpike Road, in Elk and Forest counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Thomas Campbell, of Elk county, and Erastus Barnes, of Warren county, be and they are hereby appointed road commissioners, to take charge of, maintain and keep in good repair, all that part of the Warren and Ridgway turnpike where the same crosses the north line of Ridgway township, in Elk county, to the point where it crosses the south boundary of Warren county, and shall possess all the powers, and be charged with all the duties and responsibilities of supervisors of the highways under the general road laws of this commonwealth, and shall hold their office for a period of five years from and after the first day of March, one thousand eight hundred and fifty-eight.

Commissioners.

Duty of commissioners.

SECTION 2. That it shall be the duty of each of the said commissioners, to give a bond in the sum of five hundred dollars, with one or more sureties, to be approved by the court of quarter sessions of the county in which such commissioner resides, which shall be filed among the records of said court, well and faithfully to discharge the duties of their said office, and account for all the funds received by them, together with an oath, faithfully and truly to discharge the duties of their said office according to the best of their judgment and ability.

Vacancies, how filled.

SECTION 3. That upon failure of either of the said commissioners to give the bond, and qualify as provided in the preceding section, and in all cases of vacancy thereafter by death, resignation, removal, or failure to perform the duties of said office, it shall be lawful for the court of quarter sessions of the county in which such vacancy shall occur, to appoint some other person of their own selection to fill said vacancy, who shall be subject to all the provisions of this act, and possess the powers therein conferred; and upon conviction of either of the said road commissioners upon an indictment for dereliction of duty, it shall be lawful for the court before which such conviction shall be had, to decree the said office vacant and fill the same by the appointment of another.

Tax.

SECTION 4. That the proceeds of six mills on the dollar of the ordinary road tax assessed and levied annually on all the property, real and personal, in the township of Highland, in Elk county; one mill on the dollar of all the road taxes annually levied upon the unseated lands in Jones township, Elk county; four mills on the dollar of all the road taxes levied annually on the unseated lands in Tionesta township, Forest county, be and the same is hereby appropriated especially to the said road for and during the period of five years, including the year one thou-

sand eight hundred and fifty-eight, and the same shall be paid over on demand by the county or township officers, or other persons in whose hands or possession the same may be, to the said road commissioners, or one of them, to be expended as hereinbefore provided.

SECTION 5. That it shall be duty of the said road commis- Further duties of commissioners. sioners to keep an accurate account of all moneys and orders received by them, and of their expenditure of the same, and shall present the same, verified by oath, for settlement to the auditors of Elk county, at their annual meeting in January of each year; and it is hereby made the duty of the said auditors to audit and adjust the same as fully and carefully as they are now required to do of other accounts brought before them, and to file and publish the same in the said county of Elk, annually in the month of January, allowing to the said commissioners a reasonable compensation for their services, not exceeding one dollar per day for the time necessarily spent in the discharge of their duties.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 311.

A N A C T

To incorporate the Stoddardsville and Gouldsboro' Plank Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jay Gould, Joseph Fenner, Lewis Simons, Henry Stoddart, Commissioners. Daniel Seigfried, Thomas Tattershall and William D. Brown, or a majority of whom shall have power to exercise all the powers hereby conferred, be and are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of the Stoddardsville and Gouldsboro' Style. plank road company, with power to construct a plank or turnpike road from the corner of B. F. Horton's lands on the Easton Location. turnpike road in Stoddardsville, on the west side of the river Lehigh, to Gouldsboro', by the nearest and best route, as the stockholders may determine upon, subject to all the provisions and Subject to. restrictions of an act, entitled "An Act regulating turnpike and

plank road companies," approved the twenty-ninth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, excepting that portion of the thirteenth section of said act relating to tolls, which discriminates in favor of wheels of four inches and upwards, and that portion of the eleventh section of said act, which provides that the track of plank roads erected under its provisions shall, in no case, rise or fall more than will form an angle of three degrees with a horizontal line.

Capital stock.

Proviso.

SECTION 2. That the capital stock of said company shall consist of three hundred and twenty shares of twenty-five dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, increase their capital so much as, in their opinion, may be necessary to complete the said road, and to carry out the true intent and meaning of this act.

Commencement and completion.

SECTION 3. That if said company shall not commence the construction of the said road within two years from the date of the passage of this act, and complete the same within five years after the passage of this act, this act shall be null and void, except so far as may be necessary to wind up the affairs and pay the debts of said company.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 312.

AN ACT

To make better provision for the Punishment of Frauds committed by Bankers, Trustees, and other persons intrusted with property.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* if any person being a trustee of any property for the benefit either wholly or partially of some other person, or for any public or charitable purpose, shall, with intent to defraud, convert, or appropriate the same, or any part thereof, to or for his own use or purposes, or the use or benefit of any other person, or shall, with intent aforesaid, otherwise dispose of, or destroy such property, or any part thereof, he shall be guilty of a misdemeanor.

What to be deemed a misdemeanor in a trustee

SECTION 2. That if any person being a banker, broker, attorney, merchant, or agent, and being entrusted for safe custody with the property of any other person, shall, with intent to defraud, sell, negotiate, transfer, pledge, or in any manner convert, or appropriate to or for his own use, or the use of any other person, such property, or any part thereof, he shall be guilty of a misdemeanor.

In a banker, broker, attorney, merchant or agent.

SECTION 3. That if any person intrusted with any power of attorney for the sale or transfer of any property, shall fraudulently sell or transfer, or otherwise convert such property, or any part thereof, to his own use or benefit, he shall be guilty of a misdemeanor.

In a person intrusted with power of attorney.

SECTION 4. That if any person being an officer, director, or member of any body corporate or public company, shall fraudulently take, convert, or apply to his own use, or the use of any other person, any of the money or other property of such body corporate or company, he shall be guilty of a misdemeanor.

In an officer, director or member of a body corporate.

SECTION 5. That if any person being a director, officer, or manager of any body corporate or public company, shall, as such, receive or possess himself of any money, or other property of such body corporate or public company otherwise than in payment to him of a just debt or demand, and shall, with intent to defraud, omit to make, or to cause or direct to make, a full and true entry thereof in the books and accounts of such body corporate or public company, he shall be guilty of a misdemeanor.

Omitting to make full and true entries, a misdemeanor.

SECTION 6. That if any director, manager, officer, or member of any body corporate or public company, shall, with intent to defraud, destroy, alter, mutilate, or falsify any of the books, papers, writings, or securities belonging to the body corporate or public company of which he is a director, manager, officer, or member, or shall make or concur in the making of any false entry, or any material omission in any book of accounts or other document, he shall be guilty of a misdemeanor.

Altering, destroying or mutilating books a misdemeanor.

SECTION 7. That if any director, manager, officer, or member of any body corporate or public company, shall make, circulate, or publish, or concur in making, circulating, or publishing any written or printed statement or account, which he shall know to be false in any particular, with intent to deceive or defraud any member, shareholder, or creditor of such body corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to entrust or advance any money or property to such body corporate or public company, or to enter into any security for the benefit thereof, he shall be guilty of a misdemeanor.

Publishing false statements a misdemeanor

SECTION 8. That if any person shall receive any money, chattel or valuable security which shall have been so fraudulently disposed of as to render the party disposing thereof guilty of a misdemeanor under this act, knowing the same to have been so fraudulently disposed of, he shall be guilty of a misdemeanor, and may be indicted and convicted thereof, whether the party guilty of the principal misdemeanor shall or shall not have been previously convicted.

Receiving property fraudulently disposed of a misdemeanor.

SECTION 9. That every person found guilty of a misdemeanor under this act, shall be sentenced to an imprisonment of not

Misdemeanor under this act, how punished.

more than two years, or be fined in any amount not exceeding one thousand dollars, at the discretion of the court.

Construction.

SECTION 10. That nothing contained in this act shall affect any remedy at law or in equity, which any party aggrieved might have had if this act had not been passed; and nothing in this act contained, shall affect or prejudice any agreement entered into, or security given by any trustee, having for its object the restoration or re-payment of any trust property misappropriated.

Definition of the words "trustee" and "property" in this act.

SECTION 11. That the word "trustee" shall, in this act, mean a trustee on some express trust created by deed, will or instrument in writing, and shall also include the heir and personal representative of any such trustee, and all executors, administrators and assignees; the word "property" shall include every description of real and personal property, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods; and shall also include not only such property as may have been the original subject of a trust, but any property into which the same may have been converted, and the proceeds thereof respectively, or anything acquired by such proceeds; and the converting or appropriating to his own use, or the use of another, by an officer, director or member of a body corporate or public society, of any property belonging to or entrusted to the care of the same, shall be deemed fraudulent within the meaning of this act, unless authority to make such appropriation or conversion be shown, and a correct statement thereof appear to have been made at the time in the regular book or books of account, kept by or under the direction of such officer, director or member.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 313.

A N A C T

Authorizing the Auditor General and State Treasurer to open the accounts of the Bank of New Castle.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the auditor general and state treasurer be and they are hereby authorized to open the accounts of the Bank of New Castle, (now Bank of Lawrence County,) for a tax on dividends, stated and settled on the tenth day of December, one thousand eight hundred and fifty-six, and re-settle the same.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 314.

A N A C T

To incorporate the Doylestown and Dublin Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Jefferson J. Grier, Henry Fretz, John L. Gross, Charles Bryan, Commissioners. Samuel Detweiler, Abraham Delp, Michael Fry, John K. Lewis, Jesse Henry, Daniel Hill, Abraham Hunsberger, Martin Tyson, W. T. Rogers, Samuel H. Shive, Francis Cope, Abraham Haldeman, Abraham Benner, John Gayman, Able Swartzlander, Samuel Overholt, Joseph Myers, Albert Phillips, Jacob Bishop, Levi H. Leatherman, P. J. Murray, John G. Myers and John Bolinger, of the county of Bucks, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions to stock, and organize a company by the name, style and title of the Doylestown and Dublin turnpike road Style. company, with power to locate and construct a turnpike road, commencing at the cross-roads in the village of Dublin, in the Route. county of Bucks, and extending thence on or near the bed of the present road leading to Doylestown, and intersecting the Doylestown and Danborough turnpike road, and terminating at said connection with the said turnpike road, at or near the corner of Albert Phillips's farm, in Doylestown township, Bucks county, and with full power and authority to change the same location, so as either to shorten the distance or improve the road for traveling purposes, subject to all the provisions and restrictions Subject to. of an act regulating turnpike and plank road companies, passed the sixth day of January, one thousand eight hundred and forty-nine, and the several supplements thereto, excepting as the same is herein otherwise provided for.

Capital stock.
Proviso.

SECTION 2. That the capital stock of said company shall consist of six hundred shares at twenty-five dollars each: *Provided*, That said company may by a vote of the stockholders increase the capital stock so much as in their judgment may be necessary to carry out the true intent and meaning of this act.

Toll gates and
toll.

SECTION 3. That when the said company shall have completed one mile or more of said road, they shall have power to erect toll gates, after so much of said road aforesaid is inspected and licensed, to receive the same toll per mile as are allowed by the twelfth and thirteenth sections of an act passed twenty-sixth January, one thousand eight hundred and forty-nine, except that said company shall not be liable for the fractional parts of a cent.

Commencement
and completion.

SECTION 4. That if said company shall not commence the construction of said road within three years, and complete the same within five years thereafter, this act shall be null and void, except so far as may be necessary to settle up the affairs and pay the debts of the company.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 315.

SUPPLEMENT

To an act relative to the Boundary Line of Clinton and Centre county, approved the twenty-eighth day of April, one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time fixed in said act for running and establishing the boundary line of said counties, be extended until the first day of December, one thousand eight hundred and fifty-eight.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 316.

A N A C T

To authorize the Widening of Delaware Avenue, in the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the councils of the city of Philadelphia are hereby authorized to widen the whole, or any part of Delaware avenue, along the Delaware front of said city, to a width not exceeding fifty feet, by extending the eastern line of said avenue, eastwardly, as far as may be necessary, and for that purpose said councils shall have the power, from time to time, to appropriate such portions of wharf and dock properties on said avenue as may be requisite for said widening; and all damages therefor shall be sued for, ascertained and paid in the same manner as now provided by law for the opening of streets in said city; and in assessing such damages the jury shall take into consideration the advantages and disadvantages accruing to the owners of the property so taken: *Provided nevertheless,* That nothing herein contained shall be construed to authorize any reduction in the width of any part of said avenue, or wharf street, wherever it may exceed fifty feet in width as provided by ordinance of councils, approved December fourth, one thousand eight hundred and fifty-six, and a supplement thereto: *And provided also,* That the damages to properties on said avenue, between Vine and South streets, shall be paid out of the fund appropriated in the will of Stephen Girard, to the improvement of Delaware avenue.

Councils authorized to widen Delaware avenue

Proviso.

Proviso.

SECTION 2. That no part of said avenue shall be deemed to be widened as aforesaid, until a plan of the same, prepared by the board of survey of said city, under the direction of and approved by said councils, shall have been first filed in the office of the said board of survey for the period of thirty days, and due notice thereof given for said period by the chief engineer and surveyor, once a week, in at least two of the daily papers published in said city.

When said avenue to be deemed widened.

SECTION 3. That no owner of any dock or wharf property on the said avenue, shall hereafter extend the same into the channel of the river beyond the present limits thereof, or to the wharf line now established by ordinance, unless a full and sufficient release of damages to the said city, caused, or to be caused by the widening of said avenue as aforesaid, shall have been first filed in the office of and approved by the city solicitor: *Provided,* That in case such damages shall have been already assessed and paid to such owner prior to such extension, then the damages so paid, with interest, shall be first refunded to said city.

Dock and wharf property, relative to.

Proviso.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight. WM. F. PACKER.

No. 317.

A N A C T

To provide for the erection of a House for the Employment and Support of the Poor for the county of Luzerne.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Commissioners. W. A. Tubbs, Benj. P. Pfouts, John C. Dunning, Anthony Grady, John M. Poor, Peter Walsh, Martin Creppin, Andrew Bedford, Daniel Rankin, Calvin Spencer, George W. Scranton, Benjamin H. Throop, William Merrifield, Ira Tripp, R. D. Lacoe, George R. Love, Richard H. Brown, Peter Winter, James Williams, E. W. Sturdevant, William Hibler, John W. Horton, Hendrick B. Wright, Geo. M. Hollenback, W. S. Ross, John Reichard, V. L. Maxwell, Andrew Lee, Bateman Downing, Silas Rombach, A. Pardee, Jos. Greenwalt, Abram Drum, William Drumbheller, Michael Rabert, Wallace Seybert, D. G. Driesbach, Lot Search, Wm. E. Barret, John Moss, junior, Henderson Gaylord, John Turner, E. C. Wadhams, Chas. Dorrence, James Jenkins, Wm. C. Reynolds, Thomas Irwine, Wm. Major, Absalom Case, Daniel Harding, Ira Halleck, J. M. Bishop, Gorton Wall, John Stewart, Ira Litz, Gilbert Dunning, Nathan Koehner, John Sturdevant and

Their duty Henry Calt, be and are hereby appointed commissioners, whose duty it shall be, or a majority of them, on or before the first day of December, Anno Domini one thousand eight hundred and fifty-eight, and after the election provided to be held by the eighteenth section of this act, to determine upon, and purchase such real estate as they shall deem necessary for the accommodation of the poor of Luzerne county; and it shall be lawful for said commissioners, or a majority of them, to take conveyances therefor, in the name and for the use of the corporation mentioned in the third section of this act, and they shall certify their proceedings therein, under their hands and seals, to the clerk of the court of quarter sessions of Luzerne county, to be filed in his office; and an election to be held by the officers of the general election, at the places of holding the general election in the several cities, boroughs, townships and districts of the county of Luzerne, on the second Tuesday of October next, of which the sheriff of the county shall give notice in the advertisement now required to be given by law previous to each general election, which election shall be held in conformity with all the requisitions of existing laws relative to general elections, the qualified electors of said county shall elect three reputable citizens of said county to be directors of the poor and of the house of employment for the county of Luzerne for the ensuing year; and the judges of the elections of said county shall, immediately on receiving the returns from the several election districts, and casting up the number of votes therein, or within three days thereafter, shall certify under their hands and seals the names

Election of directors of the poor.

of the persons so elected directors, to the clerk of the quarter sessions of said county, who shall file the said certificate in his office, and forthwith give notice, in writing, to the said directors of their being elected; and the said directors shall meet at the court house in said county, on the first Monday of November next ensuing their election, and divide themselves by lot into three classes; the place of the first to be vacated at the expiration of the first year; of the second at the expiration of the second year; and the third at the expiration of the third year, so those who shall be chosen after the first election, and in the mode above described, may serve three years, and one-third be chosen annually.

Certificates of election.

Meeting of directors.

Classification.

SECTION 2. That every director elected in the manner aforesaid, or appointed as hereinafter directed, shall within ten days after he is notified of said election or appointment, and before he enters on the duties of said office, take an oath or affirmation before any justice of the peace of said county, who is hereby authorized to administer the same, that he will discharge the duties of director of the poor for said county, truly, faithfully and impartially, to the best of his knowledge and ability, and in case of neglect or refusal to take the said oath or affirmation within the time aforesaid and perform the duties aforesaid, shall forfeit and pay the sum of thirty dollars, for the use of the poor of said county; which fine shall be recovered by the directors for the time being, as debts of the same amount are or shall be by law recoverable; and the directors qualified as aforesaid are hereby authorized to administer oaths or affirmations, in any case where it shall be necessary, in relation to the duties of their office.

Directors to be sworn.

Penalty for refusing to act.

SECTION 3. That the said directors and their successors shall forever, in name and in fact, be one body politic and corporate in law, to all intents and purposes whatsoever, relative to the poor of the county of Luzerne, shall have perpetual succession, and may sue and be sued, plead and be impleaded, by the name, style and title of "The directors of the poor and of the house of employment for the county of Luzerne," and by that name shall and may receive, take and hold any lands, tenements and hereditaments, not exceeding the yearly value of ten thousand dollars, and any goods and chattels whatsoever, of the gift, alienation or bequest of any person or persons whatsoever, to purchase, take and hold any lands and tenements within their county, in fee simple or otherwise, and erect thereon suitable buildings for the reception, use and accommodation of the poor of said county; to provide all things necessary for the reception, lodging, maintenance and employment of said poor; to appoint a treasurer annually, who shall give bond with sufficient surety, for the faithful discharge of the duties of his office, and at the expiration thereof, that he will well and truly pay and deliver over to his successor in office, all moneys, bonds, books, notes, accounts and other papers, to the said corporation belonging, which shall then be remaining in his hands, custody and possession; and the said directors shall employ and at pleasure remove a steward or stewards, and require of him or them an oath or affirmation and such security for the faithful performance of his or their duties, as the board of directors shall deem expe-

Body politic.

Style.

Privileges.

Treasurer.

Steward.

Matron. dient, and to appoint a matron or matrons, physician or physi-
 Physician. cians, surgeon or surgeons, and all other attendants that may be
 Apprentices necessary for the said poor respectively, and at the pleasure of
 - the same to remove; and to bind out apprentices, so that such
 apprenticeship shall expire, if males, at or before the age of
 Proviso. twenty-one years; if females, at or before the age of eighteen
 years: *Provided*, That no child shall be bound out for a longer
 Proviso. time than until he arrives at the age of eighteen years, unless
 he be bound out to a trade other than a farmer: *And provided*,
 That in all cases the person to whom they are bound be required
 Proviso. to give the child at least three months schooling in each year:
 Provided also, That no child shall be bound without the limits
 of the state, or at a greater distance than fifty miles from the
 poor house; and the said directors shall exercise and enjoy all
 such other powers now vested in the overseers of the poor, as
 are not inconsistent with this act; and the said directors are
 hereby empowered to use one common seal in all business relat-
 ing to the said corporation, and the same at their pleasure to
 alter and renew.

Estimate of ex-
 penses of land,
 buildings, &c.

County tax may
 be increased.

Proviso.

Annual estimate
 for expenses to
 be made.

Annual accounts

SECTION 4. That the said directors shall, on or before the first day of February, one thousand eight hundred and fifty-nine, furnish to the county commissioners an estimate of the probable expense of purchasing the lands, erecting the buildings and furnishing the same, and maintaining the poor for one year; whereupon, the said commissioners shall, and they are hereby authorized to furnish from the county funds, one-fourth of the sum necessary for the purpose aforesaid; and if the same shall be necessary, they are hereby authorized to increase the county tax, not exceeding one-fourth for said purpose, and shall procure on loan or credit of the taxes aforesaid herein directed to be levied, the remaining three-fourths thereof to be paid in instalments, with interest, at a rate not exceeding seven per cent. per annum out of the county taxes: *Provided always*, That if said loan cannot be made, the whole amount of the sum necessary for the purpose aforesaid, or such part thereof as may be deemed proper, shall be included in or added to any assessment of county taxes for any ensuing year, to be collected as other county taxes, and to be paid by the county treasurer to the directors aforesaid, on orders drawn in their favor by the county commissioners, as the same may be found necessary.

SECTION 5. That it shall be the duty of said directors, on or before the first day of November, in each and every year, to furnish the commissioners of the said county with an estimate of the probable expense of the poor and poor house for one year, and it shall be the duty of the commissioners to assess and cause to be collected, the amount of said estimate, which shall be paid to the said directors by the county treasurer, on warrants or orders drawn in their favor by the county commissioners, as the same may be found necessary; and the said directors shall, at least once in every year, render an account of all moneys by them received and expended, to the auditors appointed to audit and settle the county accounts, subject to the same penalties, rules and regulations as are by law directed, respecting the accounts of the county commissioners; and shall, at least once in every year, lay before the court of quarter sessions and grand

jury of the county, a list of the number, ages and sexes of the persons maintained and employed in said house of employment, or supported or assisted by them elsewhere; and of the children by them bound out to apprenticeship as aforesaid, with the names of their masters or mistresses, and their trade, occupation, or calling, and shall at all times when thereunto required, submit to the inspection and free examination of such visitors as shall from time to time be appointed by the court of quarter sessions of said county, all their books and accounts, together with the rents, interest and moneys payable and receivable by said corporation; and also, an account of all sales, purchases, donations, devises and bequests, as shall have been made by them, or to them.

Reports to court
and grand jury.

SECTION 6. That as soon as the said buildings shall be erected, and the necessary accommodations provided therein, notices shall be sent, signed by any two of the said directors, to the overseers of the poor of the several cities, townships and boroughs of the said county of Luzerne, requiring them forthwith to bring the poor of their respective cities, townships and boroughs to the said house of employment, which order, the said overseers are hereby enjoined and required to comply with, or otherwise to forfeit the costs of all future maintenance, except in cases where by sickness, or any other sufficient cause, any poor person cannot be removed, in which case the said overseers shall represent the same to the nearest justice of the peace, who being satisfied of the truth thereof, shall certify the same to the said directors, and at the same time issue an order, under his hand and seal, to the overseers, directing them to maintain such poor until such time as he or she may be in a situation to be removed, at which time the said overseers shall convey the said pauper, and deliver him or her to the steward or keeper of the said house of employment, together with said order; and the charge and expense of such temporary relief, and of such removal, shall be paid by the said directors at a reasonable allowance.

Notice to over-
seers of the poor.

SECTION 7. That the said directors shall from time to time receive, provide for and employ, according to the true intent and meaning of this act, all such poor and indigent persons as shall be entitled to relief, or shall have gained a legal settlement in said county of Luzerne, and shall be sent there by an order or warrant for that purpose, under the hands and seals of any two justices of the peace, directed to a constable of the said county of Luzerne, or to the overseers of the proper township in any other county of this commonwealth; and the said directors are hereby authorized, when they shall deem it proper and convenient to do so, to permit any poor person or persons to be maintained elsewhere: *Provided*, That the expense of their maintenance does not, in any case, exceed that for which they could be maintained at the poor house of the said county of Luzerne.

To receive and
provide for poor.

Proviso.

SECTION 8. That the said directors, or any two of them, shall be a quorum in all cases to do business; shall have full power to make and ordain all such ordinances, rules and regulations as they shall think proper, convenient and necessary for the direction, government and support of the poor and house of employment aforesaid, and of the revenues thereunto belonging, and of

Quorum.

Proviso. all such persons as shall come under their cognizance: *Provided*, That the same be not repugnant to this law, or any of the other laws of this state, or of the United States: *And provided also*, That the same shall not have any force or effect until they shall have been submitted to the court of common pleas for the time being of the county of Luzerne, and shall have received the approbation of the same.

Meetings. SECTION 9. That a quorum of said directors shall, and they are hereby enjoined and required to meet at the said house of employment, at least once in every month, and visit the apartments, and see that the poor are comfortably supported, and hear all complaints, and redress, or cause to be redressed all grievances that may happen by the neglect or misconduct of any person or persons in their employment, or otherwise.

Pay. SECTION 10. That the said directors shall, each of them, receive for their services, annually, the sum of thirty dollars, to defray the expenses of their necessary attendance on the duties of their office.

Vacancies. SECTION 11. That in case any vacancy should happen by death, resignation, removal out of the county or otherwise, the remaining director or directors, together with the court of quarter sessions of the said county, shall appoint a suitable citizen or citizens to fill such vacancy or vacancies until the next general election, when a director or directors shall be elected for the unexpired term of said vacancy or vacancies.

Pay of commissioners. SECTION 12. That the commissioners of said county of Luzerne are hereby directed to pay to each of the commissioners named in the first section of this act, the expenses incurred by them in the performance of their duty, and shall pay to each of said directors a reasonable compensation for their services during the term they are employed in erecting any building or buildings aforesaid: *Provided*, That the same shall not, including the annual sum allowed them by this act, exceed twenty-five dollars for any one year.

Allowance to directors.

Proviso.

Payment of certain claims. SECTION 13. That all claims and demands in relation to the poor in the aforesaid county, existing at the time of this act being carried into effect, shall have full force and effect, as if this act had not been passed; and when the same shall have been duly adjusted and settled, all moneys remaining in the hands of the overseers, as well as the uncollected taxes levied for the support of the poor in said cities, townships or boroughs of said county of Luzerne, shall be paid over to the supervisors of the highways of the respective cities, townships and boroughs, to be by them applied towards repairing the roads therein.

Office of overseer, when to cease. SECTION 14. That as soon as the poor of said county of Luzerne shall be removed to the house of employment of the said county, and the outstanding debts and taxes collected and paid over, the office of overseer of the poor within the said county, shall from thenceforth be abolished.

Certain powers and duties transferred to supervisors of highways. SECTION 15. That the powers conferred and the duties now vested in the overseers of the poor of the several districts within this county, to recover certain fines, penalties and forfeitures, and for other purposes, are hereby conferred and imposed on the supervisors of the highways in said county of Luzerne; and that the justices of the peace and sheriff within the said county,

are hereby required and enjoined to pay to said supervisors, to be by them applied to the repair of the highways, the aforesaid fines, forfeitures and penalties, within the time and in the manner prescribed by law for the payment thereof to the overseers of the poor, and to give notice of the receipt thereof to the said supervisors, within the time and in the manner aforesaid; and that for any neglect or refusal to perform any of the duties enjoined on them by the said act, the justices of the peace and sheriff of the said county of Luzerne shall be subject to all fines, penalties and forfeitures, to which justices and sheriffs are now by law subject or liable.

SECTION 16. That so much of the laws of this commonwealth, relating to the poor, as are by this act altered or supplied, be and the same are hereby repealed, so far as they affect the county of Luzerne. Repeal.

SECTION 17. That the sheriff of the said county shall in due time notify the commissioners named in the first section of this act, of their appointment, and when they shall meet at the court house in said county to enter upon the duties assigned them by this act, and the commissioners of the county shall pay to the said sheriff for giving notice aforesaid, such fees as he would be entitled to receive for giving notice to jurors in said county. Duty of sheriff.

SECTION 18. That for the purpose of ascertaining the sense of the citizens of each city, township and borough, in the county of Luzerne, as to the expediency of erecting a poor house, it shall be the duty of the officers of the general election, at an election to be held as hereinafter provided, to receive tickets, either written or printed, from the qualified voters thereof, labelled on the outside, "poor house," and on the inside, "for a poor house," or "against a poor house;" and if it shall appear upon the casting up the votes of each district, at the court house, upon the third day after said election, that a majority of the votes cast in any city, township or borough, in the said county of Luzerne, are against a poor house, then and in that case the provisions of this act, so far as they affect in any manner the citizens of such city, township or townships, borough or boroughs, shall be construed to be entirely inoperative, but shall be and remain good and effectual, and shall apply to such city, townships and boroughs in said county, as shall by a majority of votes as aforesaid cast at said election, have signified their willingness to accept the same, as fully and effectually as though originally contemplated, mentioned and specified in this act; and in that case the taxes to be assessed under the provisions of this act, shall be levied and charged only upon the accepting cities, townships and boroughs aforesaid; and the commissioners named in the first section of this act, whose residence is in the non-accepting districts, shall not be allowed to exercise any of the rights or powers conferred upon them by this act; and the directors of the poor to be elected as provided for in this act, shall be residents of the accepting districts, and the citizens of the non-accepting districts shall not be entitled to vote at any election for said directors. Election to be held to determine upon the expediency of erecting poor house.

SECTION 19. That the election mentioned and provided for in section eighteen of this act, shall be held at the place of holding the general election in the several cities, townships and boroughs When, where and how said election to be held.

Sheriff to give notice. of the county, on the second Tuesday of June next, of which election the sheriff of the county shall give notice by proclamation published in at least four newspapers of the county, for two successive weeks, the last of which notices shall be published at least five days previous to the day of holding said election; and in the notice of the election aforesaid, the sheriff shall cause to be published the eighteenth section of this act, the expense of which publication and the election aforesaid, shall be paid out of the county funds.

Subsequent election for directors. SECTION 20. That all subsequent elections for directors, after the first hereinbefore provided for, shall be held annually at the time and place of holding the general elections for said county offices, and be advertised as herein provided in the first section.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 318.

A SUPPLEMENT

To an act to incorporate the Tremont Mining Company, approved the eighteenth day of April, in the year one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the time within which the enrolment tax upon the act to which this is a supplement, is required by law to be paid, is hereby extended for the period of one year from the passage of this act; and that all the provisions of this act, and all periods of time therein mentioned, except the time fixed for the expiration of the charter, shall be computed from the time when said enrolment tax is paid, and the time for the expiration of the charter of the said company shall be computed from the date of the act to which this is a supplement.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 319.

A N A C T

To repeal part of an act relating to the Springhouse and Sumneytown Turnpike Road Company.

WHEREAS, By an act of assembly, passed the seventeenth day of March, Anno Domini one thousand eight hundred and forty-five, authorizing to build a turnpike road commencing at the Springhouse tavern, in the county of Montgomery, along the bed of the North Wales road to Sumneytown, in said county, which road said company has built at great expense:

Whereas, The company after building the road had a heavy debt, part of which was provided for by a preferred stock, on which an interest of five per centum is guaranteed by the company, and for the remainder of the debt, bonds of the company bearing five per centum interest were given:

Whereas, All the income of the road is required for the payment of the necessary repairs and expense, and the payment of the interest on the preferred stock and bond aforesaid, leaving nothing for the holder of the common stock, or for any extraordinary repair:

And whereas, Under the act of incorporation there is a great deal of free travel on said road, which, in their opinion, does great injustice to the stockholders who have given their money for the purpose of making said road; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act incorporating the Springhouse and Sumneytown turnpike road company is hereby repealed, which relates to persons traveling free over the said Springhouse and Sumneytown turnpike road, except persons traveling in funeral processions and persons passing from one part to another along their farms.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 320.

A N A C T

To authorize the Governor to appoint Commissioners to investigate the affairs of the Lancaster Savings Institution.

Commissioners,
appointment of
by the governor.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That upon the passage of this act, it shall be the duty of the governor to appoint three commissioners to examine into and investigate the management and affairs of the Lancaster savings institution; the said commissioners, or a majority of them, having been sworn or affirmed to perform their duties with fidelity, shall proceed to investigate the causes which led to the failure of said institution, and by what means the assets were diminished since the report of the president and directors, published by them June the sixteenth, A. D. one thousand eight hundred and fifty-five; and also what may be the amount of available assets yet remaining in said institution, and otherwise; and for this purpose they shall have power to call before them all persons whatsoever, at any time connected or doing business with said institution, and examine them under oath, touching their knowledge of the transactions thereof; which examination shall be open to the public; and the said commissioners shall have power to examine the books and papers of said institution, and to compel their production by the persons having custody of the same; and in case any person, on request of said commissioners, shall refuse to attend and give evidence as provided in this act, or shall refuse to produce any book, paper or document which said commissioners may call for, the said commissioners may apply to a judge of the court of common pleas of Lancaster county, who shall thereupon cause such person to come before him, and for any sufficient reason shown, cause such person to be imprisoned until he shall comply with the provisions of this act.

Powers.

Commissioners to
make report to
the governor.

SECTION 2. That the commissioners having completed their investigation shall report the result, with the evidence taken, to the governor, who shall transmit the same to either branch of the next legislature.

Compensation.
how paid.

SECTION 3. That the commissioners shall receive, as compensation for their services, three dollars per day each for the time actually employed in the discharge of their duties, not exceeding fifteen days, which shall be paid out of the funds of the Lancaster savings institution.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 321.

A N A C T

To authorize the Canal Commissioners to examine the Damages caused by the erection of the Dam, at or near the mouth of Beaver, on the Beaver Division of the Pennsylvania Canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and are hereby directed to examine the claim of the citizens of the borough of Bridgewater, Beaver county, relative to damages caused in consequence of the erection of the dam, at or near the mouth of Beaver, on the Beaver division of the Pennsylvania canal, and report the same to the legislature.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 322.

A N A C T

To incorporate the Callensburg Male and Female Institute, in Clarion county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That an academy for the education of youth, (both male and female,) in the English, and other languages, and in the arts and sciences, shall be established in the borough of Callensburg, in the county of Clarion, by the name, style and title of the Callensburg academy. Academy established at Callensburg.

SECTION 2. That the first trustees of said academy shall be David M'Cay, J. B. Reynolds, T. H. Elliott, Joseph Eggert, W. A. Bowser, Samuel Kefer, who, and their successors to be elected as hereinafter directed, shall be a body corporate and politic in First trustees.

Style.	law, by the name, style and title of the Callensburg academy, and by the same name shall have perpetual succession, and be
Privileges.	able to sue and be sued, plead and be impleaded, and shall be capable in law and equity to take, hold and dispose of, and for the use of said academy, land, tenements and hereditaments, moneys, goods and chattels of whatever kind, and to erect such building or buildings as may be necessary, and generally to do all things which may be necessary for the well being of said academy, which such corporations may rightfully do.
Seal.	SECTION 3. That the said Callensburg academy shall have full power to use one common seal, and to alter and renew the same at pleasure.
Trustees, first meeting of.	SECTION 4. That the said trustees shall hold their first meeting on the third Monday of April next after the passage of this act, in the borough of Callensburg, and then and there divide themselves into three classes by lot; the term of office of the first class to expire at the end of one year, and the second class in two years, the third class in three years from said date, so that one-third may be chosen annually.
Quorum.	SECTION 5. That said trustees and their successors, any four of whom shall be a quorum, shall, by the name, style and title
Power of trustees	aforesaid, have power to make and enact ordinances and by-laws for the government of said corporation; to appoint teachers and remove them; to regulate their times of meeting, and the mode
Officers.	of calling meetings; to elect from their number a president, secretary and treasurer, the latter of whom shall give bond in such manner, and in such sum as the by-laws may require; shall elect all officers necessary and proper for the management of the affairs of the corporation; define the duties and terms of service of said officers, and determine all matters and things necessary to the good order and well being of the same.
Capital stock.	SECTION 6. That the capital stock of said corporation shall consist of one hundred shares, at twenty dollars, with the privileges of increasing the same four hundred shares, at such price, not exceeding fifty dollars per share, as the trustees, by direction of the stockholders, may direct, payable at such times as the board of trustees may direct; and the president and secretary of said corporation, shall make out certificates of stock, signed by them and sealed with their corporate seal, and deliver one such certificate to each stockholder for every share by him or her held, on him or her paying to the treasurer the amount of said share, which, when paid, shall be countersigned by the said treasurer, which certificate shall entitle the said stockholder to
Voter.	a vote in said corporation at elections: <i>Provided</i> , That no certificate shall be valid unless countersigned by the treasurer, and no plurality of shares shall entitle a stockholder to more than one vote; and said stock shall be transferable in person, or by attorney, on the books of said company, in which shall be kept a record of the names of the stockholders, with the number of shares subscribed and paid by each, set opposite thereto.
Proviso.	
Election of trustees.	SECTION 7. That the stockholders of said corporation shall annually, on the first Monday of May, elect two trustees from among them, who shall serve for a period of three years; ten days' notice of said election shall be given by the trustees, in such manner as they may direct; but if at any time it shall

happen that the election shall not be held on the day prescribed, the privileges of the said corporation shall not for that cause be forfeited; but the officers last elected shall remain in office until others be duly elected; and in case of the absence or refusal of either of said officers to act, the secretary, or any member of the board, may notify the stockholders thereof, and another election shall be held in ten days from the date of said notice.

SECTION 8. That all by-laws, ordinances and proceedings of said corporation, shall be fairly and regularly entered in a book to be kept for that purpose by the secretary; and no misnomer of said corporation shall defeat any gift, grant, bequest or devise to the same where the intention of the grantor or deviser shall sufficiently appear on the face of the conveyance.

SECTION 9. That said trustees shall have authority to receive such subscriptions in sums of any amount, for the purpose of purchasing real estate, books, philosophic apparatus, or other property necessary for the affairs of the corporation, and to give certificates for the same, according to the sixth section of this act, and each person so subscribing, without regard to the amount subscribed, shall be entitled to a credit on the books for said subscription, and to the yearly dividends arising therefrom; but no subscriber shall be entitled to a vote at any meeting or election of said corporation, unless his certificate shall amount to one share, or twenty dollars; the form of subscription in all cases shall be prescribed by the trustees at their first meeting.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 323.

AN ACT

To authorize the Commissioners of Schuylkill County to Borrow Money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the county commissioners of the county of Schuylkill are hereby authorized to borrow on the credit of said county such an amount of money, not exceeding fifteen thousand dollars, at a rate of interest not exceeding six per centum per annum, as they shall deem necessary for the purposes of liquidating the debts of the

county now due, or a portion thereof; to borrow the same in such sum or sums, and on such term or terms, and payable at at such time or times, as they may deem necessary, expedient and practicable; and the money so borrowed shall be exempt from county tax: *Provided*, That no certificate or securities shall be issued for said money in less amounts than one hundred dollars.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 324.

AN ACT

To authorize the Burgess and Town Council of the borough of Middletown, in the county of Dauphin, to lay a Tax on Dogs.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That it shall be lawful for the burgess and town council of the borough of Middletown, to levy and collect, in the usual manner, a tax of one dollar on all dogs or bitches owned or kept by persons within the limits of said borough.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 325.

A N A C T

For the relief of Collectors of Military Taxes in Tioga, Lancaster and Elk counties, for the years eighteen hundred and fifty-five, eighteen hundred and fifty-six and eighteen hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the several collectors of the military tax for the counties of Tioga, Lancaster and Elk, for the years eighteen hundred and fifty-five, eighteen hundred and fifty-six and eighteen hundred and fifty-seven, may apply to the commissioners of said counties for any abatement of said tax, on or before the first day of July next; and it shall be lawful for said commissioners to make any abatement of said taxes they shall deem just and equitable; and all laws inconsistent therewith are hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 326.

A N A C T

Authorizing the Burgess and Town Council of the borough of Pottstown, Montgomery county, to erect a Lock-up House in said borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the burgess and town council of the borough of Pottstown, in the county of Montgomery, be and they are hereby authorized and empowered to have built, or otherwise provided or supported, in or near said borough, at the expense thereof, a suitable build-
Borough of Pottstown to erect a lock-up house.

Proviso

ing for the security and temporary detention of any person or persons committed by a justice of the peace of said borough, or the burgess of said borough, for any violation of the laws of this commonwealth, or of the ordinance or ordinances of the borough aforesaid, for which such person or persons could be lawfully committed to the common jail of the county aforesaid, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or until discharged according to law: *Provided*, That no person or persons shall be confined in said lock-up house at any one time, for a longer period than forty-eight hours, except such person or persons be charged with an indictable offence, and it may be necessary to detain him, her, or them for a legal examination.

Fees.

SECTION 2. That the legal fees for the arrest, commitment and safe keeping of any person or persons in said lock-up, on a charge of any indictable offence, shall be taxed by the proper authority, and paid by the party, the prosecutor, or the county of Montgomery, as the issue of the case may require.

Appointment of
keeper.

SECTION 3. That the burgess and town council of said borough shall have power to appoint a suitable and capable person to keep the said lock-up house, and they are hereby empowered to pay such person for such services out of the funds of said borough, what may be deemed just and proper.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 327.

AN ACT

Authorizing the Election of an additional Supervisor in the Township of Tunkhannock, Wyoming county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That it shall be lawful for the qualified electors of the township of Tunkhannock, in the county of Wyoming, to elect at their next township election, three supervisors of roads and highways for said township; and that the court of quarter sessions of said

county shall have power to appoint one additional supervisor, to serve until his successor shall be duly elected and qualified.

G. NELSON SMITH,

Speaker, pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 328.

A FURTHER SUPPLEMENT

To an act to incorporate the City of Erie.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the members elect of each ward of the common council, elected in the year one thousand eight hundred and fifty-eight, shall on the Monday next succeeding their election, or on the second Monday after the passage of this law, divide themselves by lot into two classes, and the term of office of the first class shall expire upon the first, and the term of office of the second class upon the second city election next succeeding; at which respective elections the vacancies shall be supplied by the election annually of one-half part of said common council, in the manner aforesaid. Members of council, relative to.

SECTION 2. That the power to raise and collect taxes in said city, shall be exercised by said councils, subject to the enactments, provisions and restrictions of the ninth section of the act approved April eighth, Anno Domini one thousand eight hundred and thirty-three, relative to the borough of Erie: *Provided,* That for the three years succeeding the passage of this act the power to tax shall extend to ten mills on the dollar of valuation, with like force as said tax was by said act limited to five mills; and that three mills of the tax so levied for the said term of three years, shall be annually invested or applied to the redemption of the plank road company subscription bonds of said city. Power to raise and collect taxes. Subject to. Provide.

SECTION 3. That whenever a vacancy shall occur in either of the councils, by the death of any councilman, or his removal from the ward from which he may have been elected, or otherwise, it shall be the duty of the council in which the vacancy may happen, forthwith to elect *viva voce*, from the ward in which the vacancy exists, a person duly qualified, to serve until the next city election, when the citizens shall elect a person to serve out the term. Vacancies in council, how supplied.

Sewers, expense
of, how paid.

SECTION 4. That upon the petition of a majority of the owners of real estate on any street or parts of streets, between the points designated to be improved or taxed, the city authorities may provide by ordinance for the construction of a sewer or sewers, drain or drains, at the expense of the owners of the property on the parts of the street or streets on which such sewers or drains are constructed.

Hack and omni-
bus drivers, dray-
men, &c.

SECTION 5. That the councils shall have general power and authority to regulate by ordinance the conduct of hack, omnibus and cab drivers, draymen, runners and porters, and the prices and charges to be charged or received by the same, as well within the city as for services or trips, either terminus of which shall be within said city of Erie, and not extend more than one mile from the city limits.

Councils may lay
out streets.

SECTION 6. That said councils shall have power, upon petition in writing of a majority of the owners of real estate upon any route between the points between which a street may be proposed to be laid out or altered, by ordinance to lay out a new street or streets, or alter any street or streets in said city, and to regulate the same. Whenever a petition shall be presented to the councils for the laying out or alteration of a street as aforesaid, it shall be the duty of the petitioner or petitioners, before the councils act upon the same, to give notice at least ten days previously to the presentation of the petition, to each and every property holder upon the said route, if resident in the county of Erie, or to his or her authorized agent, that said application is about to be made to the councils; if any property holder so interested, be not resident in said county and have no agent resident in said county, notice of said application shall be given by publication in a newspaper published in said city, by three weekly publications, the last of which shall be thirty days prior to any action being had upon the same in said councils; and a copy of said newspaper shall be mailed to the last known place of residence of the persons so non-resident; after which notice, proof of which in either case shall be made and recorded with the ordinance, action may be had by said councils: *Provided*, That said notice shall be necessary to the validity of any such action. And it shall be the duty of the judges of the several districts of said city, upon the day succeeding the day of election of city officers, to meet at the prothonotary's office in said city, at two o'clock P. M., and then and there add up the returns of each ward, and declare who is elected to the several offices in the several wards, and also add up the returns and declare who is elected to the several offices elected by the city; and the judges of the respective districts shall sign notices of election and cause the same to be delivered to the persons so elected by the respective wards; and the judges of all of the districts shall sign and cause to be delivered to the persons elected by the city, notices of their election.

Petitioners to
give notice.

Proviso.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 329.

A N A C T

To incorporate the Conemaugh and Strongstown Turnpike Road and Bridge Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Thomas Davis, William Young, John W. Duncan, Edward Davis, Commissioners. George Dill, Peter Mulvehil, senior, Andrew Hikes, Thomas Duncan, George M'Cann, George W. Kern, John Wilson, Samuel Elder, Elias B. McClelland, William Lapsley, Isaac Rogers, George F. Matthews, David Wakefield and Lewis Eichelberger, of Indiana county, and Benjamin Heacux, Richard Murray, Alver Akers, Alexander Vanhorn, junior, and Andrew J. Rhey, of Westmoreland county, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of Style. the Conemaugh and Strongstown turnpike road and bridge company, with all the powers, and subject to all the provisions and Subject to. restrictions prescribed by an act, entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and the supplements thereto, and subject also to all the provisions and restrictions of an act regulating bridge companies, approved the twelfth day of April, one thousand eight hundred and fifty-five.

SECTION 2. That said company shall have power and authority Power to erect a to erect a bridge across the river Conemaugh, in the counties of bridge. Indiana and Westmoreland, at or near Conemaugh furnace, Westmoreland county, and Louthers lock, Indiana county.

SECTION 3. That said company shall have power and authority Authority to con- to construct a clay or stone turnpike or plank road, or either, or struct turnpike partly clay and partly turnpike or plank, from Conemaugh fur- or plank road. nace, Westmoreland county, to Strongstown, Indiana county, by Route. the nearest and best route as may be agreed upon by the directors of said company, with power to extend said road to the Cherry Tree, in Indiana county, if deemed expedient by a majority of the stockholders present.

SECTION 4. That the capital stock of said company shall con- Capital. sist of seven hundred shares, of twenty-five dollars each: *Pro-* vided, Said company may from time to time, by a vote of a majority of stockholders present, at a meeting called for that purpose, increase the capital stock so much as may be necessary to complete said bridge and road, and to carry out the true intent and meaning of this act.

SECTION 5. That said company shall have a right to construct Road may be con- their road upon any of the public roads between the points spe- structed upon cified, or bridge or bridges that may be on said route or road; other roads. and if they shall not commence the construction of their bridge Commencement and road within three years after the passage of this act, and and completion.

finish the same within five years, then this act to be null and void, except so far as it shall be necessary to settle the affairs and pay the debts of said company.

Tolls.

SECTION 6. That the said company shall have power to erect and set up gate or gates, and to levy and collect tolls from persons using said road, at the rates prescribed in the act regulating turnpike and plank road companies, already referred to, so soon as they shall have completed two miles of said road.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 330.

AN ACT

To authorize the State Treasurer to pay to Eugene A. Frueauff, of the borough of Bethlehem, in the county of Northampton, the amount of a certain Domestic Creditors' Scrip.

WHEREAS, Certificate, number twelve hundred and ninety-nine, dated October twenty-fifth, one thousand eight hundred and forty-two, for the sum of one hundred dollars, issued to Midler, Barnet, Chapin and Humes, by them endorsed to Sydney A. Clewell, by him to Jacob Cope, and by him on the fourth day of April, Anno Domini one thousand eight hundred and forty-five, to Philip H. Goepp, has been paid to Solon Chapin, on his oath that the same was lost or mislaid and cannot be found:

And whereas, The same is now produced by Eugene A. Frueauff, endorsee of said P. H. Goepp; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer is hereby authorized to pay to the said Eugene A. Frueauff, the amount of the said scrip, with all interest legally due thereon, out of any funds in his hands not otherwise appropriated.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 331.

AN ACT

To authorize the erection of a Lock-up House in the borough of Sharpsburg, Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the burgess and town council of the borough of Sharpsburg, in the county of Allegheny, be and they are hereby authorized and empowered to furnish materials, and build, or otherwise provide and support in said borough, at the expense of said borough, a suitable house for the security and temporary detention of persons committed by justices of the peace of said borough, or by the burgess of said borough, or member of the town council acting in his place, for any violation of the laws of this commonwealth, or of the ordinances of said borough, for which such person or persons could lawfully be committed to the common prison of said county, there to remain and be kept until such offender or offenders can be removed to the common jail of said county, if committed for an indictable offence, or can be discharged according to law: *Provided,* That no person shall be confined in said house at any one time, for a longer period than forty-eight hours, except such person or persons be charged with an indictable offence, and it be necessary to detain such person or persons for examination.

SECTION 2. That the expenses of committing and keeping any person or persons in said house, on a charge of indictable offence, shall be paid by the said county of Allegheny, on the presentation of proper accounts of the same to the commissioners of said county.

SECTION 3. That the burgess and town council, or a majority of them, shall have the power to appoint a proper person or persons to keep the said lock-up house, and that the said burgess and town council are empowered to pay such person or persons for such service, what the said burgess and town council, or a majority of them, may deem just and proper.

SECTION 4. That upon a hearing before any of the justices of the peace in said borough of Sharpsburg, or before the burgess, or any member of town council acting in his place, such person or persons shall be discharged for sufficient cause to bind him, her, or them over for trial at the next criminal court of the said county of Allegheny, the magistrate, burgess, or town councilman shall require such person or persons to pay all the costs that may have accrued in the case, and enforce the collection of the same by judgment and execution, in the ordinary way of collecting debts of like amount: *Provided however,* That if such offender or offenders are found unable to pay the costs, the same shall be paid by the commissioners of said county upon the presentation of proper accounts to said commissioners.

Dogs subject to
taxation.

SECTION 5. That all dogs kept and owned by any inhabitant of the borough of Sharpsburg aforesaid, within the limits of said borough, shall be deemed personal property, and subject to taxation for the use of said borough; and it shall be the duty of the town council of said borough, annually, to issue their precept to the constable of said borough, authorizing and requiring him to enumerate and return to the said council, within twenty days thereafter, the names of all the inhabitants of said borough who own or keep any dog or dogs, designating the number kept or owned by each; whereupon, the said town council shall proceed to levy and assess on every such owner or keeper as aforesaid, a tax not exceeding one dollar for the first dog, two dollars for the second dog, and so on in proportion to the number of dogs owned or kept by such inhabitant, which said taxes shall be enforced and collected in the same manner as other taxes are collected by said borough.

Persons owning
dogs, relative to.

Borough taxes
and fines.

SECTION 6. That the taxes imposed on real and personal property in the borough of Sharpsburg, in said county, for borough purposes, and the fine imposed and levied for the breach of the ordinances of said borough, may be sued and recovered in like manner as debts of the same amount are recoverable under the laws of this commonwealth.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 332.

A SUPPLEMENT

To an act to incorporate the Birmingham and Brownsville Macadamized Turnpike Road Company, approved February fifteenth, one thousand eight hundred and fifty-one.

Certain act re-
pealed.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the act to which this is a supplement, as requires stockholders to vote in person, be and the same is hereby repealed, and that each stockholder in said company shall be entitled to one vote, either in person or by proxy, for each share of stock by him held in said company.

SECTION 2. That any person using or traveling over any part of said road and not passing through any toll gate, shall be liable to pay to said company such toll per mile as said company could lawfully collect if such person had passed through any toll gate on said road, and the same may be collected as debts of like amount are now by law recoverable: *Provided*, That nothing in this act shall be construed to authorize the collection of tolls from any person passing from one part of his farm to another part thereof. Toll. Proviso.

SECTION 3. That the said company shall have no right to construct said road beyond the public house late of S. D. Prior, in Baldwin township. Terminus of road

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 333.

AN ACT

To change the name of the Union Coal and Iron Company, and increase the Capital Stock thereof.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the name, style and title of the Union coal and iron company, as fixed in a supplement to an act incorporating the Allegheny coal company, approved twenty-third March, one thousand eight hundred and fifty-four, be changed, and the same shall henceforth be known as the Southampton iron and coal company of Somerset county, Pennsylvania, and in which name books of subscription shall be opened and the business of the company conducted.

SECTION 2. That the said company shall have authority to increase its capital stock twenty-five thousand shares, paying thereon into the state treasury, a bonus of one-half of one per cent. thereon in four equal annual instalments, from and after the date of such increase.

SECTION 3. That it shall not be lawful for the president or directors of said company to issue bonds, create liens or mortgage, or in any way encumber the real or personal property of

said corporation, without having first obtained the assent, in writing, of the owners of at least two-thirds of the capital stock.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 334.

A FURTHER SUPPLEMENT

To the act incorporating the Delaware Mutual Safety Insurance Company.

Certain act re-
pealed

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, 'That so much of the act, entitled "A supplement to the act incorporating the Delaware mutual safety insurance company," approved April ninth, one thousand eight hundred and forty-four, as directs the company to issue certificates for the surplus profits of the said corporation, of a less denomination than twenty-five dollars, to any person, firm or stockholder, be and the same is hereby repealed, except so far as the said act applies to the stockholders of said company.*

Unclaimed pro-
fits. relative to.

SECTION 2. That all such sums and shares of profits as do not amount to twenty-five dollars, and all such portions of the profits as may be unclaimed, or certificates of profits as may be taken or held for the payment of any debt due the corporation, shall remain with the company, subject to the payment of losses and expenses or dividends; and the stock of the corporation may be received by the company in payment of, or security for debts due to them, and the same sold or otherwise disposed of, as the board of directors shall deem proper.

Capital stock
may be increased

SECTION 3. That the capital stock of said company may at any time hereafter be increased to an amount not exceeding five hundred thousand dollars, to be subscribed for in shares of twenty-five dollars each; such subscriptions to be paid in cash, or in the scrip or certificates of said company, issued for profits thereof, in the manner, at such times, and upon such terms as the president and directors of the company may determine: *Provided*, That the votes of the holders of said increased stock for the election of directors, shall be in conformity with the provisions and conditions of the sixth section of the act, entitled "An act to incorporate the Delaware County insurance com-

Proviso.

Subject to

pany," approved April tenth, one thousand eight hundred and thirty-five, to which this is a supplement: *And also provided*, That the company may prohibit the holder of any of said stock from transferring the same, so long as said holder shall remain indebted to said corporation.

SECTION 4. That it shall be lawful for the holders of the present stock of the company, to convert or change the same into the new stock to be created under this act, upon such terms as may be agreed upon between the said president and directors and the holders of said stock. Present stock may be changed into new stock.

SECTION 5. That when the capital stock shall be increased one hundred thousand dollars under this act, the cash dividend on the same and on any further increase thereof, and also on the present stock of the said corporation, shall be eight per cent. per annum; but should the profits in any one year not amount to a sum sufficient to pay a dividend of eight per cent., then whatever surplus or profits there may be, shall be divided pro rata among the stockholders: *Provided*, That after the said capital stock shall be so increased, the holders of such increased stock shall not be entitled to any certificate or share of any remaining surplus or profits of the company, in addition to the said eight per cent.: *And also provided*, That so much of this act as authorizes the board of directors to increase the capital stock, shall be in full force and effect so soon as the provisions of this act, relating thereto, shall have been accepted by the stockholders holding a majority in amount of the present capital stock of the company. Dividends. Proviso. Proviso.

SECTION 6. That the board of directors shall cause the affairs of the corporation to be examined and the balance of profit or loss of the business in each year, ending on the thirty-first October, to be ascertained; and the said board shall at their first stated meeting in November, if there be a surplus, proceed to dispose of the same, in conformity with this act as well as the act, entitled "A supplement to an act to incorporate the Delaware County insurance company, approved March seventeenth, one thousand eight hundred and forty-three," and the supplements thereto. Affairs of the corporation to be examined.

SECTION 7. That so much of the act incorporating this company and of the supplements thereto, as may be altered or supplied by this act, or which may be inconsistent herewith, the same is hereby repealed. Repeal.

G. NELSON SMITH,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 335.

SUPPLEMENT

To the act incorporating the Meadville Railroad Company, approved the twentieth day of May, Anno Domini one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the corporate name, style and title of the Meadville railroad company shall be and the same is hereby changed to that of Atlantic and Great Western railroad company of Pennsylvania: *Provided,* That such alteration shall in no manner, form or effect, change any of the powers, rights, duties, obligations, or contracts of the said company, made or existing at the time of the passage of this act: *And provided further,* That the said corporation shall have the right to pass over the towing path of the Erie extension of the Pennsylvania canal, at such points of the line thereof, and at such grades and upon such conditions as may be assented to in form by the Erie canal company.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 336.

A N A C T

To incorporate the Girard College Passenger Railway Company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert A. Parish, William F. Emlen, Robert Ralston, James Page, Edward D. Stokes, D. T. Pratt, Harry Conrad, Robert Morris, Theophilus Cauffman, William Trego, Coates Walton, Macgregor J. Mitcheson, J. Austin Parish, James F. Nicholas, Charles Thomson Jones, Jacob Esher, or any five of them, are

hereby appointed commissioners to open books, receive subscriptions, and organize a company under the provisions of the general railroad law of eighteen hundred and forty-nine, and the supplements thereto, by the name, style and title of the Girard Style. College Passenger railway company, and as such, shall have power to lay out and construct a railway in the city of Philadelphia, from or near the Girard college, down Ridge avenue to Tenth and Ninth streets, respectively; thence down said streets to Arch street; and thence down Arch to Second street, with a double track on said avenue and Arch streets, and shall have power to convey passengers over the same; and the said company shall also have the right to purchase real estate, and to erect thereon such buildings and improvements as may be deemed expedient and necessary for the purposes of said company; and also, to purchase the necessary equipments for said railways; and no freight or burden trains, or locomotives, shall be permitted to pass over the same: *Provided*, That the said company, before commencing to build said road upon said streets, shall purchase, at the option of the owners, the stock of horses, omnibuses, sleighs and harness owned and used upon said streets at the time of commencing said road, at a price to be assessed in the following manner: The said owners shall choose one disinterested person, and the said company shall choose a second person, and the two thus chosen shall choose a third, who together, shall be disinterested persons, and shall appraise such stock; and the value thus arrived at shall be reported to the parties interested within twenty days, and the decision thus arrived at shall be binding and conclusive: *Provided further*, That any passenger railroad that is now, or may be hereafter incorporated, connecting with or crossing the same, shall have the right to run their cars upon said road, on payment of an equal part of all the costs thereof, upon terms to be agreed upon by the said parties interested; and if the said parties cannot agree then the district court of the city of Philadelphia shall, upon petition presented by either party, appoint two persons who shall fix the amount to be paid by the parties using said road.

Route.

May hold real estate.

Proviso.

SECTION 2. That the capital stock of said company shall consist of ten thousand shares, of fifty dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders, at a meeting convened for that purpose, increase their capital stock as much as in their opinion may be necessary to complete said railway or railways, and to carry out the true intent and meaning of this act.

Capital.

SECTION 3. That dividends of so much of the profits of said company as shall appear advisable to the directors, shall be declared in the months of January and July in each and every year, and be paid at the office of said company any time after ten days from the time of declaring the same, but said dividends shall in no case exceed the amount of the net profits of said company, so that the capital stock shall never be impaired thereby; and if said directors shall make any dividend impairing the capital stock of said company, the directors consenting thereto shall be liable in their individual capacities to said company for the amount so divided, and each director present when such dividend shall be declared, shall be considered as consenting

Dividends.

Individual liability.

thereto, unless he or they protest upon the minutes of the board and give public notice of the same.

Seal.

By-laws, ordinances, &c.

SECTION 4. That the said company shall make and have a common seal, and the same to alter and renew at pleasure, and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary or convenient for the government of said corporation, and not being contrary to the constitution and laws of the United States, or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due ordering and managing of the affairs thereof.

Officers.

SECTION 5. That said company shall have power to elect or appoint a president and five directors, (a majority of whom, with the president, shall be citizens of Philadelphia,) and such other officers as may be deemed necessary or expedient; and in every election for officers, each share of stock shall entitle the holder to one vote.

May issue bonds.

SECTION 6. That said company shall have power to raise on bonds, any sum not exceeding one-half of their capital stock, for the purpose of carrying out the true intent of this act: *Provided*, That no bond shall be issued for a less amount than one hundred dollars.

Must not connect with any other than passenger railways.

SECTION 7. That the said railroad company shall not connect with any railroad other than for passenger purposes, and of the same guage, under the penalty of a forfeiture of their charter; and the said company shall annually pay into the treasury of the city of Philadelphia, for the use of said city, whenever the dividends shall exceed six per centum per annum on the capital stock, the sum of six per centum on the said dividends thus declared: *Provided*, That whenever any damages may be sustained by reason of this company taking possession of lands or other property, other than above described, except so far as the usufruct of the before named streets necessary to the full and perfect enjoyment of the purposes by this act designed, the said damages shall be assessed and paid in the manner, and according to the provisions of the eleventh section of the act of nineteenth of February, Anno Domini one thousand eight hundred and forty-nine, entitled "An Act regulating railroad companies:"

Per cent. on dividends to be paid into city treasury

Subject to.

Proviso.

Consent of city councils to be obtained.

And provided further, That the city councils may from time to time, by ordinance, establish such regulations in regard to said railway as may be required for the paving, re-paving, grading, culverting, and the laying of gas and water pipes in and along said streets, and to prevent obstructions thereon: *And provided further*, That before the said company shall use and occupy the said streets, the consent of the city councils shall be first obtained; and said consent shall be taken and deemed to have been given, if said councils shall not within thirty days after the passage of this act, by ordinance duly passed, signify their disapproval thereof.

Must conform to grades of streets.

SECTION 8. That said company, in constructing said road, shall conform to the grades now established, or hereafter to be by law established, of the several streets and avenues traversed by said road, and keep said streets and avenues in perpetual good repair, at the proper expense of said company: *Provided*, That said

Girard College Passenger railway company shall be subject to Subject to.
 an ordinance of the city councils, entitled "An ordinance to
 regulate passenger railways within the city Philadelphia," ap-
 proved the seventh day of July, Anno Domini one thousand
 eight hundred and fifty-seven.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one
 thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 337.

SUPPLEMENT

To the act to incorporate the Kittatiny Summer Retreat Association.

SECTION 1. *Be it enacted by the Senate and House of Represen-
 tatives of the Commonwealth of Pennsylvania in General Assembly
 met, and it is hereby enacted by the authority of the same, That*
 the Kittatiny Summer Retreat association, incorporated by act of
 assembly, passed and approved the twenty-second day of April,
 Anno Domini one thousand eight hundred and fifty-four, be and
 they are hereby authorized and empowered to purchase and hold
 lands, erect buildings and improvements thereon, and locate
 their said Summer Retreat association, either in the counties of
 Carbon or Monroe, as the said Kittatiny Summer Retreat asso-
 ciation may deem expedient or proper: *Provided, The quantity*
of land which said company may purchase, shall not exceed
that authorized by the act to which this is a supplement.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one
 thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 338.

A FURTHER SUPPLEMENT

To the Charter of the borough of Minersville, in the county of Schuylkill.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act, whenever the present grades of the streets of the borough of Minersville shall for any reason become impracticable and burdensome, it shall be lawful for the town council of said borough, on petition signed by two-thirds of the property owners along any street or part of a street, requesting to have the grade in said street or part of a street altered or changed, to appoint a day on which the said council will meet for the purpose of hearing said petitioners upon the subject of altering or changing the grade or grades of said street or streets or parts of a street, and shall cause notice to be given to all the property owners along said street or streets or parts of a street, at least five days before the time of such meeting, requesting said property owners to appear and make objections, if any they have, to the alteration or change of such grade or grades; and if two-thirds of all the property owners along the street or streets or parts of a street, shall desire a change in the grades of such street or streets or parts of a street, the said town council may then order a change of such grade or grades, agreeably to the prayer of said petitioners; and said council shall direct the borough surveyor to survey and lay down the grade so adopted for such street or streets or parts of a street, and a draft of the same shall be made and deposited among the records of said borough, and shall cause the same to be copied into the minute book of said borough; and the grade so adopted shall be the grade of such street or streets or parts of a street, until again altered in the manner hereinbefore directed.

SECTION 2. That any law or part of a law heretofore passed, that is inconsistent with the foregoing section, be and the same is hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 339.

A N A C T

Prohibiting the Fishing with Gill Nets in the river Lehigh.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any person or persons to fish in the river Lehigh, between the borough of Bethlehem and its junction with the Delaware river, at the borough of Easton, in the county of Northampton, with gill nets; and any person or persons so offending, shall forfeit and pay the sum of three dollars for each and every such offence; one half to be for the use of the informer or informers, who are hereby made competent witnesses in the case, and shall prosecute for the same, and the other half to the treasurer of the directors of the poor of the county aforesaid, to be collected as debts of like amount are now by law collected: *Provided,* That nothing contained in this act shall be construed to prevent any person from fishing in said river with a set-net or hook and line.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred fifty-eight.

WM. F. PACKER.

No. 340.

A N A C T

To provide for preparing of a Catalogue of the State Library.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state librarian be and he is hereby authorized to make, under the supervision of the secretary of the commonwealth, a descriptive and classified catalogue of all the books, maps and plates in the state library, and superintend the printing of the same by

Librarian to
make out de-
scriptive cata-
logue.

Compensation,
how paid.

the public printer; and that the sum of eight hundred dollars be allowed him as a compensation for the same, to be paid out of any unappropriated funds in the state treasury, on drafts drawn by the secretary of the commonwealth, whenever he shall deem the intention of this act to have been properly carried out.

Public printer to
furnish certain
number of copies

SECTION 2. That the public printer be instructed to furnish one thousand copies of said catalogue for the use of the legislature and library: each member of the present legislature to receive one copy.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 341.

AN ACT

To lay out a State Road from Jacob Wengert's premises, on the Newmans-town Road, in Lebanon county, via Missemer's Station, on the Lebanon Valley Railroad, to the Berks and Dauphin Turnpike, in Berks county, at the point where the Millbach Road intersects with said Turnpike.

Commissioners.

Route.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Isaac Groff of Berks county, George F. Miller and Isaac Hoffer of Lebanon county, be and they are hereby appointed commissioners to view and lay out a state road from the premises of Jacob Wengert, late Henry Gockley's, on the public road leading from Shaefferstown to Neumanstown, in Lebanon county, via Missemer's station, on the Lebanon Valley railroad, to the Berks and Dauphin turnpike, in the county of Berks, where the Millbach road intersects with said turnpike.

Duty of commis-
sioners.

SECTION 2. That it shall be the duty of said commissioners, as soon as practicable, having first been duly sworn or affirmed before a justice of the peace or other proper officer, to perform the duties enjoined upon them by this act with impartiality and fidelity, which said oath or affirmation shall be filed in his office by the said justice of the peace or other proper officer, carefully to view the ground and lay out the said road, having respect to the ground and shortest distance, so as best to promote the public good and do the least injury to private property; and they

shall clearly and distinctly mark upon the ground the route agreed upon, so as to enable the supervisors to readily find the same.

SECTION 3. That said commissioners shall have authority by this act to vacate any road or part of a road hereby rendered useless, and to lay out any part of said road on the bed of any road or part of a road heretofore constructed or laid out by authority of law; and they shall make a fair and accurate draft of the location of said road, noting the courses and distances with a reference to the improvement, one copy whereof shall be deposited in the office of the secretary of the commonwealth, on or before the first day of October next, and one copy in the office of the clerk of the court of quarter sessions of each of the said counties, on or before the said first day of October; and from henceforth the road shall be to all intents and purposes a public highway, and shall be opened to the width of thirty feet, and shall be made and repaired in all respects as roads laid out by order of court; and the damages sustained by the owners of land, if any, shall be assessed and paid as provided by the act of the thirteenth day of June, Anno Domini one thousand eight hundred and thirty-six.

Authority and powers.

Drafts, where and when deposited.

Subject to.

SECTION 4. That the said commissioners, one of whom may be an artist on said road, shall each be entitled to receive two dollars per day for each and every day they shall be necessarily employed in performing the duties of this act; and the artist shall be entitled to receive fifty cents per day additional compensation; and the said commissioners are hereby authorized to employ two chain carriers and one axeman, at a compensation not exceeding one dollar and twenty-five cents per day, and the accounts shall be registered by the commissioners and paid by the treasurers of said counties in the usual manner; and if any vacancy shall occur by resignation or otherwise, the remaining commissioner or commissioners shall have power to supply such vacancy or vacancies by appointment: *Provided*, That the expenses, which the said counties of Berks and Lebanon will be liable to pay by reason of the laying out and opening the road aforesaid, shall be proportioned between them, according to the length of said road in each of said counties.

Compensation.

How paid.

Vacancies, how supplied.

Proviso.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 342.

A N A C T

Relative to the Bridge over Clarion river, at the mouth of Mill creek.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners of Clarion county be and they are hereby authorized to take charge of, and keep in good repair, the bridge over the Clarion river, at the mouth of Mill creek, at the expense of the said county, from and after the passage of this act.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 343.

A N A C T

Concerning the Lehigh Luzerne Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That in order to finish the railroad and tunnel of the Lehigh Luzerne railroad company, now in the process of construction, it shall be lawful for railroad, coal and navigation companies connecting therewith, or forming continuous lines of transportation between the coal lands of Luzerne and Carbon counties and the city of Philadelphia, or the Delaware division of the state canal, to subscribe to or invest in the stock and bonds of the said Lehigh Luzerne railroad company, or any railroad that may hereafter be constructed between White Haven, in Luzerne county, and Penn Haven, in Carbon county: Provided, That no company shall make such subscription or investment for an amount*

greater, respectively, than ten per centum of its authorized capital.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 344.

AN ACT

Relating to Liens of Common Carriers, and others.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* commission merchants and factors, and all common carriers, or other persons having a lien upon goods, wares and merchandize, for or on account of the costs and expenses of carriage or storage, or any other charge arising from the transportation, keeping, or storage of such property, in case the owners or consignees shall not pay or discharge the amount due for such cost, expense, carriage, storage, or other charges hereinbefore named, may, after the expiration of ninety days from the notice hereinafter provided, proceed to sell the same, or so much thereof as may be necessary to discharge said lien, at public auction: *Provided, That* notice of sale shall be given as required for sheriffs' sales of personal property, and that thirty days' notice of said lien be given to the owner or consignee of the property, if they can be found, and in case they cannot be so found, that the same shall be advertised weekly in some newspaper published in the proper city or county to which the goods, wares, or merchandize have been consigned, for four consecutive weeks before the sale, the residue of money arising from such sale, after deducting costs of transportation charges and storage, advertising and sale, to be held subject to the order of the owner or owners of such property.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 345.

A N A C T

To authorize the sale of the Real Estate of the Indiana Academy and Indiana Female Seminary, in the borough of Indiana.

Preamble.

WHEREAS, The Indiana academy, and the Indiana Female seminary, both situate in the borough of Indiana, in the county of Indiana, have ceased to be used for the purposes for which they were respectively erected, and the buildings belonging thereto have become dilapidated, and it is therefore desired by the respective trustees of the said institutions, that they should be authorized to sell the same :

And whereas, It is believed that the court of common pleas of Indiana county does not possess power, under existing laws, to order a sale of the same, because a small sum of money was originally appropriated to each of said institutions by the commonwealth ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the trustees of the Indiana academy be and they are hereby authorized to sell, at public sale, to the school directors of said borough, or to any other person or persons being the highest and best bidder or bidders, the grounds, buildings and appurtenances of the said Indiana academy, situate at the west end of Clymer street, in the said borough of Indiana, and to make, execute and deliver to the purchaser or purchasers thereof a deed, in fee simple, for the said premises, and apply the purchase money thereof to the use of the common schools in said borough, in such manner as the school directors of the said borough shall see proper and direct, in erecting and furnishing a suitable building for the said common schools.

Indiana academy, real estate of, to be sold.

Purchase money, how applied.

Indiana female academy, real estate of, to be sold.

Purchase money, how applied.

SECTION 2. That the trustees of the Indiana Female seminary be and they are hereby authorized to sell, at public sale, to the school directors of said borough, or to any other person or persons being the highest and best bidder or bidders, the grounds, buildings and appurtenances of the said Indiana Female seminary, situate at the north-west corner of Clymer and Church streets, in the said borough of Indiana, and to make, execute and deliver to the purchaser or purchasers thereof a deed, in fee simple, for the said premises, and apply the purchase money thereof to the use of the common schools in said borough, in such manner as the school directors of the said borough shall see proper and direct, in erecting and furnishing a suitable building for the said common schools.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight. WM. F. PACKER.

No. 346.

AN ACT

To authorize the Trustees of the First Baptist Church of the city of Philadelphia, to convey certain Real Estate.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the trustees of the First Baptist church of the city of Philadelphia, be and they are hereby authorized and empowered at any time or times hereafter, to grant, bargain and sell, all or any part or parts of all that lot of ground, with the buildings thereon erected, situate on the north side of La Grange place, in the said city of Philadelphia, belonging to the said First Baptist church of the city of Philadelphia: Beginning at the distance of forty-nine feet and eleven inches, or thereabouts, westward from the west side of Second street, and containing in front or breadth on the said La Grange place, westward from the said point, one hundred and twelve feet, and extending northward, between lines parallel with the said Second street eighty feet, be the same more or less, (including on the east side the westernmost four feet in breadth of an alley widened to nine feet, and extending in depth eighty feet, more or less, laid out and opened for the common use of the hereby granted premises, and the premises adjoining the said alley on the east and fronting on Second street,) at public or private sale, in fee simple, upon ground rent, or for any other estate, and upon such terms and conditions as they may deem proper; and to convey and assure the premises and hereditaments so sold, together with the free and common use of the said alley as a water course and passage way, and all other easements, rights and appurtenances thereunto belonging, to the purchaser or purchasers thereof, in fee simple or otherwise, as the case may be, free, clear and discharged of and from all and every the trusts, estates, limitations and conditions, expressed or contained in the indentures or legal assurances relating thereto, at any time heretofore made, and so that the said purchasers shall take and hold the said premises so conveyed to them without any limitation, or liability on their part to see to the application of the purchase money; and such conveyances shall vest a perfect and indefeasible title on the premises so sold and conveyed in the purchasers thereof, notwithstanding any statutes or laws of mortmain, or other disabling laws or customs; and so much of said statutes or laws as tend to invalidate the title to any of the real estate aforesaid, in the possession of the said church or its grantors, is hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 347.

AN ACT

Relating to the Orphans' Court of Centre county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the judges of the orphans' court of Centre county are hereby authorized, immediately upon the passage of this act, to appoint a suitable person to copy and place upon record in a book or books to be provided for the purpose, all accounts of executors, administrators and guardians, confirmed in said court, from the fourth Monday of August, Anno Domini one thousand eight hundred and forty, to the first day of September, Anno Domini one thousand eight hundred and fifty, and to make a full and complete index of the matters so recorded; and on the same being approved by the said judges, it shall be the duty of the said judges to certify the amount of compensation due the said person so appointed, to the county commissioners of Centre county, who shall draw their warrant on the county treasurer of said county, in favor of said person so appointed, for the amount thereof: Provided, That the compensation does not exceed the fees allowed by law to recorder of deeds for similar services.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 348.

SUPPLEMENT

To an act for the Protection of Sheep and Taxing of Dogs in the county of Blair.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the several provisions of an act of assembly, passed and approved*

the twentieth day of May, Anno Domini one thousand eight hundred and fifty-seven, entitled "An Act for the protection of sheep and taxing of dogs, in the county of Blair," so far as the same relates to the boroughs of Hollidaysburg, Gaysport, Altoona, Martinsburg and the townships of Snyder, Tyrone, North Woodberry, East Freedom, Juniata, Greenfield and Taylor, in said county, be and the same are hereby repealed, and the said boroughs and townships are hereby exempted and excepted from the operation of said law.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 349.

A FURTHER SUPPLEMENT

To an act relative to certain Courts in the city and county of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the twenty-first section of the act of Assembly, approved the twenty-sixth day of April, one thousand eight hundred and fifty, entitled "An Act to incorporate the Wyoming mutual insurance company," and for other purposes, be and the same are hereby extended to the court of common pleas for the city and county of Philadelphia, which court is hereby authorized to appoint three commissioners; and the commissioners so appointed by the said court, shall be invested with all the powers and authorities which are by law vested in the commissioners appointed under the said act.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 350.

A N A C T

Supplementary to the act to incorporate the Philadelphia and Sunbury Telegraph Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the president and directors of the Philadelphia and Sunbury telegraph company, incorporated by the act to which this is a supplement, or a majority that may be present after due and timely notice, as thereafter prescribed, shall be given, be and are hereby authorized to borrow as much money as they may deem necessary for re-building and repairing the said Philadelphia and Sunbury telegraph line, from the borough of Sunbury to Pottsville and Schuylkill Haven, and pledge by mortgage, resolution of the board, or otherwise, the whole capital stock of the said corporation, and the income, receipts and profits for the re-payment of the same, at such time and such manner as they may deem best, together with such interest as may be agreed upon.

May borrow money for re-building, repairing, &c.

May pledge capital stock, &c., by mortgage.

Stockholders to decide whether they will re-build line.

May create new stock.

Contingent fund.

SECTION 2. That the president, and any two of the directors of the board last elected, may call a meeting at such place as they may deem proper, in the borough of Sunbury, on the first Monday in June, one thousand eight hundred and fifty-eight, or as soon after as convenient, giving at least thirty days' previous notice, in one newspaper in Northumberland county, of the time and place of such meeting, at which meeting the stockholders present are to determine whether they will re-build and repair said telegraph line; and if the stockholders at such meeting shall not unanimously determine that the said telegraph line shall be re-built and repaired by the said corporation at the expense of the said stockholders, in proportion to the stock held by each of the stockholders, the said president, and a majority of the directors present, may proceed to create from time to time, as many shares of new stock as they may find necessary for the re-building and repairing of said telegraph line, and may stipulate with the holders of the said new stock, that no dividends or profits arising from the receipts of the whole line shall be paid to the former stockholders, until the holders of the new stock shall first have allotted or awarded to them ten per centum on the amount paid by them on their several shares; and it shall be the duty of the president and directors to set apart yearly so much of the income, after deducting costs and charges and prior incumbrances, a reasonable contingent fund to provide against loss, deterioration and decay, as may be necessary to pay ten per centum upon the moneys paid upon the stock subscribed in pursuance of this act, and the residue to be divided among the holders of the old stock, *pro rata*, not exceeding ten per centum,

and the surplus, after the dividends aforesaid, shall be divided among all the stockholders *pro rata*.

SECTION 3. That if the stockholders at the meeting aforesaid, holding two-thirds of the stock of those present, shall decline to re-build said telegraph line at the expense of said company, the president and directors may assess, from time to time, upon the stockholders, such sum or sums per share as may be necessary to re-build and repair the same, may proceed to collect the same and forfeit the shares of delinquents for non-payment.

Amount required
to re-build, how
assessed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 351.

A N A C T

Authorizing the Canal Commissioners to examine into the Claim of Moderwell and Longenecker, of Lancaster county, for damages sustained on the Columbia and Philadelphia Railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners are authorized and required to examine the claim of Messrs. Moderwell and Longenecker, of Lancaster county, for damages sustained by them in consequence of the destruction of certain cars and goods on the Columbia and Philadelphia railroad, and report the amount, together with the facts connected therewith, to the legislature as soon as practicable.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 352.

A N A C T

Relative to the Farm of Jacob Allwine, in Westmoreland county.

WHEREAS, By a decree of the court of quarter sessions of Westmoreland county, a new township was formed called Penn; that the line of said township passing through the farm of Jacob Allwine, throws his improvements within the limits of said Penn township, thus compelling him, for all purposes of taxation, to the inconvenience of a double assessment; that his place of voting in Penn is fully five miles distant; that the nearest school house is three miles distant; that he is compelled to go three and four miles to work out his road tax, which is inconvenient and burthensome; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the farm of Jacob Allwine, in Hempfield and Penn townships, in Westmoreland county, be and the same is hereby declared, for all purposes, to be included in and as part of Hempfield township.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 353.

A S U P P L E M E N T

To an act relating to certain Townships, Boroughs and Election Districts, approved the eleventh March, Anno Domini one thousand eight hundred and fifty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the fourth section of an act, entitled "An Act relating to certain townships, boroughs and election districts," and for other purposes, approved the eleventh March, Anno Domini one thousand*

Jenner township,
elections in,
where held.

eight hundred and fifty-three, be and the same is hereby repealed, and hereafter the qualified electors of Jenner township, in Somerset county, shall hold their general, special and township elections at the house now occupied by Henry Rauch, in said township.

SECTION 2. That so much of the act of assembly, entitled *Certain act repealed.* "An Act relative to the manner of voting in Lancaster, Clinton and Somerset counties," approved the sixth day of May, Anno Domini one thousand eight hundred and fifty-four, as relates to the county of Somerset, be and the same is hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 354.

AN ACT

Authorizing the Canal Commissioners to examine the Claim of George Crane, for damages sustained by the erection of the West Branch division of the Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized and required to examine and adjust the claim of George Crane, of Lycoming county, for damages, if any, sustained by reason of the construction of the West Branch division of the Pennsylvania canal, and report the amount thereof, with the facts, to the legislature.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 355.

SUPPLEMENT.

To an act to incorporate the Greensburg Gas and Water Company, approved the first day of April, one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the said company may and they are hereby authorized to go outside the limits of the borough of Greensburg, for the purpose of erecting the necessary buildings, machinery and apparatus for said company.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 356.

SUPPLEMENT

To the act Consolidating the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That on and after the passage of this act, all meadow or marsh, or meadow land, situated in the Twenty-fourth ward, city of Philadelphia, and assessed as marsh or meadow land, and paying besides the usual city taxes, a further tax for keeping up and in repair the banks on said lands, shall only be liable to pay one-half the rate of tax levied on real estate in said city for city purposes.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 357.

A N A C T

To incorporate the Locust Gap Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Simon W. Arnold, Abraham S. Wolf, Henry L. Elder, Henry M. Phillips, Jesse S. Heston, W. G. Alexander, Mayer Arnold, F. W. Rawl, Peter Cullen, M. K. Taylor, Kirk J. Price and Conrad Grove, their associates, successors and assigns, be and are hereby constituted a body politic and corporate, by the name, style and title of the Locust Gap railroad company, subject to all the provisions and restrictions of an act regulating railroad companies, approved the nineteenth day of February, one thousand eight hundred and forty-nine, except so far as the same are inapplicable or are hereby altered or supplied.

Corporators.

Style.

Subject to.

SECTION 2. That the said company shall have the right to construct a railroad, beginning at the terminus in the gap of the Locust mountain of the branch railroad of the Locust Gap improvement company, and extending the same to and with the right to connect with the Big Run branch of the Mine Hill and Schuylkill Haven railroad.

Route and connection.

SECTION 3. That the capital stock of said company shall consist of two thousand shares of fifty dollars each, to be subscribed within one year from the passage of this act, in accordance with the provisions of an act regulating railroads, passed Anno Domini one thousand eight hundred and forty-nine: *Provided*, That the said company, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete the said road and to carry out the true intent and meaning of this act.

Capital stock.

Proviso.

SECTION 4. That within a reasonable time after the passage of this act, the above named corporators shall meet and choose a president and such number of directors, not less than five nor more than twelve, as to them may seem proper, who shall exercise all the powers granted to the corporation.

Officers.

SECTION 5. That the said president and directors shall have power, for the purpose of completing and equipping said road, to borrow, on such terms as they may deem advisable, any sum not exceeding two-thirds the amount of capital stock subscribed, and may pledge the fee simple of the property, rights and privileges belonging to the company, for the security and re-payment thereof: *Provided*, That no bond be issued for a less sum than one hundred dollars.

May borrow money.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight. WM. F. PACKER.

No. 358.

A N A C T

To incorporate the Eastern Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Thomas Brown, Garrick Mallery, junior, Edward Carrigan, William J. Brown, Robert B. Walker, John M'Curdy, Jacob Lukens, Thomas Shaw and Charles Stoy, are hereby appointed commissioners, who, or a majority of whom, are authorized and empowered from and after the passage of this act, to establish an insurance company, by the name and title of the Eastern insurance company, to be located in the city of Philadelphia, with a capital of fifty thousand dollars, with a right to increase the same to five hundred thousand dollars, divided into shares of one hundred dollars each, which said company shall be organized and managed according to the provisions of act to provide for the incorporation of insurance companies, approved the second day of April, Anno Domini one thousand eight hundred and fifty-six, and shall be limited to the risks designated in the first clause in the seventh section of said act.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eleventh day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 359.

A N A C T

To incorporate the Fairmount and Arch Street City Passenger Railway Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* William L. Hurst, Henry M. Phillips, Benjamin Shedden, Pearce Butler, William Randall, George Kirkpatrick, H. B. Whipple,

Commissioners.

Isaac Leech, junior, E. P. Camp, George Thomas, W. Marshall, Thomas Pritchett, Job R. Tyson, William Boyd, James B. Smith, Lewis Bitting, R. J. Hemphill, Daniel Dougherty, John J. Boland, John Powers, Joseph J. Lipp, Jeremiah King, Ellis S. Archer, Jacob Dock, William H. Moore, Benjamin W. Tingley, Benjamin H. Frederick, Samuel R. Brick and Bernard Berens, be and they are hereby appointed commissioners to open books, and sell stock, in accordance with the provisions of the general railroad law, and organize a company by the name, style and title of the **Style.** Fairmount and Arch Street City Passenger railway company; which said company shall have power to lay out and construct a railway, commencing at Tenth and Arch streets, and continuing westwardly along the same, with a double track, to Twentieth and Twenty-first streets, respectively, with single track to Callowhill street; and thence westwardly, with double track, to wire bridge, at Fairmount, and shall have power to convey passengers over the same; and the said company shall also have the right to purchase real estate, and to erect thereon such buildings and improvements as may be deemed expedient and necessary for the purposes of said company; and also to purchase the necessary equipments for said railways: *Provided*, That no **May hold real estate.** freight or burden trains, or locomotives, shall be permitted to pass over the same. **Proviso.**

SECTION 2. That the capital stock of said company shall consist of four thousand shares of fifty dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting convened for that purpose, increase their capital stock as much as, in their opinion, may be necessary to complete said railway or railways, and to carry out the true intent and meaning of this act. **Capital stock.** **Proviso.**

SECTION 3. That dividends of so much of the profits of said company, as shall appear advisable to the directors, shall be declared in the months of January and July in each and every year, and be paid at the office of said company any time after ten days from the time of declaring the same; but said dividends shall, in no case, exceed the amount of the net profits of said company, so that the capital stock shall never be impaired thereby; and if said directors shall make any dividend impairing the capital stock of said company, the directors consenting thereto shall be liable, in their individual capacities, to said company for the amount so divided; and each director present when such dividend shall be declared, shall be considered as consenting thereto, unless he or they enter protest upon the minutes of the board, and give public notice of the same. **Dividends.**

SECTION 4. That the said company shall make and have a common seal, and the same to alter or renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary or convenient for the government of said corporation, and not being contrary to the constitution and laws of the United States, or of this commonwealth; and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of said corporation, and the due ordering and managing of the affairs thereof. **Seal.** **By-laws.**

- Officers.** SECTION 5. That said company shall have power to elect or appoint a president and five directors, a majority of whom, with the president, shall be citizens of Philadelphia, and such other officers as may be deemed necessary or expedient, and in every election for officers each share of stock shall entitle the holder to one vote.
- May issue bonds.** SECTION 6. That said company shall have power to raise on bonds any sum not exceeding one-half of their capital stock, for the purpose of carrying out the true intent of this act: *Provided*, that said bonds shall not be issued for a less sum than one hundred dollars each.
- Proviso.**
- Shall not connect with any other than passenger railway.** SECTION 7. That the said railroad company shall not connect with any railroad other than for passenger purposes, and of the same gauge, under the penalty of a forfeiture of their charter; and the said company shall annually pay into the treasury of the city of Philadelphia, for the use of said city, whenever the dividends shall exceed six per centum per annum on the capital stock, the sum of six per centum on the said dividend thus declared: *Provided*, That whenever any damages may be sustained by reason of this company taking possession of lands or other property other than above described, except so far as the usufruct of the before named streets, necessary to the full and perfect enjoyment of the purposes by this act designed, the said damages shall be assessed and paid in the manner and according to the provisions of the eleventh section of the act of nineteenth of February, Anno Domini one thousand eight hundred and forty-nine, entitled "An Act regulating railroad companies:"
- Percent. on dividends to be paid into city treasury.** *And provided further*, That before the said company shall use and occupy the said streets, the consent of the councils of the city of Philadelphia shall be first obtained; and said consent shall be taken and deemed to have been given, if said councils shall not within thirty days after the passage of this act, by ordinances duly passed, signify their disapproval thereof; and said city councils may from time to time by ordinance establish such regulations in regard to said railway, as may be required for the paving, re-paving, grading, culverting and the laying of gas and water pipes in and along said streets, and to prevent obstructions thereon.
- Damages.**
- Subject to.**
- Consent of city council to be obtained.**
- Must conform to grades of streets.** SECTION 8. That said company, in constructing said road, shall conform to the grades now established or hereafter to be by law established, of the several streets and avenues traversed by said road, and keep said streets and avenues in perpetual good repair, at the proper expense of said company.
- Purchase of omnibuses, &c.** SECTION 9. And the company shall purchase, at the option of the owners, the stock of horses, omnibuses, sleighs and harness owned and used upon the said Arch street at the time of making the road, (not exceeding those now in use on said avenue,) at a price to be assessed as follows: The owners to choose one disinterested person and the said company another person, and the two thus chosen shall choose a third, who shall appraise said stock, and the value thus arrived at and reported within ten days, shall be final: *Provided*, That this company shall be subject to an ordinance of the city councils, entitled, "An Ordinance to regulate passenger railways within the city of Philadelphia,"
- Proviso.**

approved the seventh day of July, Anno Domini one thousand eight hundred and fifty-seven.

SECTION 10. The said company shall have the power to connect and run over any railway or portion of railway, that now is or may be hereafter constructed; and shall have power to build a road or portion of a road for the purpose of connecting with, or completing a route on such streets as may be necessary, and shall have power to convey passengers over the same: *Provided*, That before the said company shall run their cars on the track or tracks of any other passenger railway, they shall agree with such other company or companies, upon the terms or compensation to be paid said company or companies, for the privilege of using said roads; and that if the said parties shall not be able to agree upon terms, then either party shall apply to the court of common pleas, who shall appoint three disinterested persons, whose adjustment shall be binding and final: *Provided*, That the West Philadelphia Passenger railway company shall have the right to connect with the said Fairmount and Arch Street Passenger railway company, by way of Twentieth and Twenty-first streets, upon such terms and conditions as may be agreed upon in the tenth section of this act: *Provided further*, That any passenger railroad that is now, or may be hereafter incorporated, connecting with or crossing the same, shall have the right to run their cars upon said road, upon terms to be agreed upon by said parties interested; and if the said parties cannot agree, then the district court of the city of Philadelphia shall, upon petition presented by either party, appoint two persons, who shall fix the amount to be paid by the parties using the same: *Provided*, That the said company shall be subject in all respects to the general provisions of the general law regulating railroads, approved the nineteenth of February, one thousand eight hundred and forty-nine, and the several supplements thereto.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 360.

A SUPPLEMENT

To the act incorporating the White Deer Bridge Company, approved the twenty-third day of March, Anno Domini one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the White Deer bridge company shall not after the passage of this act, be allowed to charge toll for any person or persons, or their vehicles, in going to or coming from church, or for any person or persons, or their vehicles, in going to or coming from Sabbath school on the Sabbath day, or for any person or persons, or their vehicles, in going to or coming from funerals at any time.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 361.

A SUPPLEMENT

To an act to incorporate the Lehigh and Delaware Plank Road and Turnpike Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the president and managers of the Lehigh and Delaware plank road, or turnpike company, shall have the power, from time to time, to fix and establish the rates of toll upon said road: Provided however, That the toll upon lumber shall not exceed eight cents per mile per thousand feet.*

To fix rates of
toll.

Issue bonds.

SECTION 2. That the president and managers shall have the power to issue bonds, for any sum not exceeding twelve thousand five hundred dollars, and to secure the same by a mortgage

upon their said road: *Provided*, That such issue and mortgage Proviso. shall be approved by the stockholders, at a meeting called for that purpose: *And provided further*, That no bonds shall be issued of a less amount than fifty dollars.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 362.

A SUPPLEMENT

To an act providing for the Publication of certain Accounts in Somerset county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the provisions of the act providing for the publication of certain accounts in Somerset county, approved the eleventh day of February, Anno Domini one thousand eight hundred and fifty-eight, be and the same are hereby extended to Bedford county.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 363.

AN ACT

To establish High and Low Water Lines in the Allegheny, Monongahela and Ohio rivers, in the vicinity of Pittsburg, in Allegheny county.

Preamble.

WHEREAS, The lines of lands on and along the shores of the rivers at and near the city of Pittsburg, in the county of Allegheny, have never yet been clearly ascertained, and as it is important to the owners of such lands, the persons navigating the waters of, and the corporations adjacent to such rivers, and to all parties interested, to know and have their several rights and privileges in extension and limitation ascertained and defined; therefore,

Commissioners,
district court to
appoint.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the district court of the county of Allegheny be and it is hereby authorized and required, at any time before the first day of June next, to order and appoint three discreet and disinterested freeholders as commissioners, none of whom shall reside on, or be the owners of any lands abutting on the said rivers within the county aforesaid, who shall take and subscribe an oath or affirmation before some competent authority, well and faithfully to perform the duties required by this act, to the best of their ability, without favor or partiality; and in case of the death, resignation, or inability to act of any of the commissioners appointed as aforesaid, before the intended purposes of this act shall have been fulfilled, it shall be lawful for the said court to appoint another, or other persons to supply such vacancy or vacancies, who being qualified as aforesaid, shall proceed and act as if appointed in the first instance.

Vacancy, how
supplied.Duty of commis-
sioners.

SECTION 2. That the commissioners appointed and qualified aforesaid, after giving due public and timely notice of their time and place of meeting, for at least ten days, shall proceed, taking to their assistance an able and competent surveyor, and examine the shores, surveying and marking thereon lines of ordinary low water, and lines of ordinary high water along the rivers Monongahela, Allegheny and Ohio, within the following limits, namely: From a line crossing Allegheny river, at the north-eastern line of the borough of Sharpsburg; from a line crossing the Monongahela river, opposite the mouth of the Four Mile run; and from a line crossing the Ohio river, opposite the mouth of Wood's run, and around the shores of all the islands in the rivers aforesaid, and within the limits aforesaid, excepting such parts of said shores where said lines have been already established by law; such lines of low and high water to be laid out along said shores aforesaid, in such manner and position as will most perfectly secure and perpetuate the navigable channels of said rivers, and best promote the safety and convenience of vessels, rafts, and persons navigating the same, and as will be most suitable in all respects for the general benefit of the public at large.

SECTION 3. That the said commissioners may hear parties interested, and examine under oath, administered by one of their number, experienced hydraulic civil engineers, scientific men, and other persons, if they shall deem it necessary to enable them to obtain more accurate information in regard to flowing water in navigable streams, and in regard to the location of the lines aforesaid.

Parties interested to be examined and heard.

SECTION 4. That the said commissioners, when they shall have completed their surveys, and shall have determined the limits and located the said lines of low and high water mark, shall cause to be made a correct map or plan of the same, with such descriptions and explanations as may be necessary to a perfect understanding thereof, and shall return the same authenticated by their respective signatures and that of the surveyor to the district court aforesaid; and it shall be the duty of the prothonotary of said court to receive and file said map or plan in his office, for public inspection and examination; and to give notice in at least three daily newspapers published in the city of Pittsburg, that on a day certain, to be appointed by the court, the said court will hear any objections which may be made thereto by any persons or parties who may consider themselves aggrieved by the adoption of the same; and the said court, after hearing the objections, shall adjudge and determine whether the same shall be fully established or be returned to the commissioners, either in whole or in part, for their re-examination; and if so returned the said commissioners shall proceed to re-consider the same, and thereafter shall return to the said court in the manner aforesaid, said maps, with such alterations and amendments, if any, as they shall deem necessary and proper. The said court, after such determination, shall direct said map or plan, either with or without such alterations as shall have been made, to be recorded, and thenceforth the said map or plan so recorded, shall be taken and allowed for the purposes herein mentioned and contained, and the lines so approved shall forever after be deemed, adjudged and taken firm and stable for the purposes aforesaid.

Commissioners, duty of after completing surveys.

Prothonotary, duty of.

District court to hear objections, &c.

SECTION 5. That all riparian right now vested in the state, lying between high water lines and the rivers, within the district aforesaid, shall from thenceforth thereafter be vested in the several corporations within whose limits the same now is or hereafter shall lie.

Riparian rights of state, where vested.

SECTION 6. That the commissioners who may be appointed under this act, shall each be entitled to receive five dollars per day for their services, and the expenses incurred in carrying into effect the provisions of this act, shall be paid out of the treasury of said Allegheny county.

Compensation of commissioners.

SECTION 7. That all or any acts of assembly that conflict herewith, either in whole or part, be and the same are hereby repealed.

Repeal.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight. WM. F. PACKER.

No. 364.

AN ACT

Fixing a uniform period for holding Township and Borough Elections in Jefferson county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the first day of January, Anno Domini one thousand eight hundred and fifty-nine, the borough and township elections in Jefferson county, shall be held on the first Monday of February in each year, and all acts of assembly inconsistent with the provisions of this act, be and the same are hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 365.

AN ACT

To authorize the Canal Commissioners to examine the claim of William M. Jeffries, of Mifflin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* the canal commissioners are authorized and required to examine the claim of William M. Jeffries, of Mifflin county, for labor done on the Juniata division of the Pennsylvania canal, and report the amount of said claim, if any, to the legislature as soon as possible.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 366.

A N A C T

Authorizing the Canal Commissioners to examine the claim of Benjamin H. Fredericks, for damages sustained on the West Branch division of the Pennsylvania canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners be and they are hereby authorized and required to examine and adjust the claim of Benjamin H. Fredericks, of Clinton county, for damages sustained by reason of the erection of the Bald Eagle dam on the West Branch division of the Pennsylvania canal, and report the facts to the legislature.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The sixteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 367.

A N A C T

Relating to certain Corporation Taxes due the Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the auditor general and state treasurer be and they are hereby authorized and required to adjust and settle the accounts of John W. Hammond, as agent of the commonwealth in collecting corporation taxes, charging him with all moneys received by him from corporations, for taxes due the commonwealth, and allowing him credit for commissions thereon, at the usual rates allowed in such cases; they shall also credit the said corporations on their accounts, with the amounts respectively paid by them, and no charge shall be made therefor against any of the former state treasurers, or other officers of the commonwealth,*

except so far as the same shall have been actually received by them: *Provided*, That nothing herein contained shall be so construed as to exempt the sureties of the said John W. Hammond from any liability now existing.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventeenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 368.

AN ACT

To incorporate the West Philadelphia Manufacturing Company.

Corporators.

Style.

Capital.

By-laws.

Proviso.

Real and personal estate.

Powers.

Bonus.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Perry R. M'Neille, James R. Smith, Alexander Miller, William D. Parrish, Edward H. Trotter, Charles E. Thompson, and such others as they may associate with them, be and they are hereby created a body politic and corporate, by the name, style and title of the West Philadelphia manufacturing company, to be located in the city of Philadelphia, with a capital not to exceed five hundred thousand dollars, to be divided into shares of not less than fifty dollars each; and said shares shall be assignable and transferable only in such form and manner as the by-laws may determine.

SECTION 2. That said company shall have authority to establish such by-laws for its government as a majority in number and interest of its stockholders may agree on: *Provided*, That said by-laws shall not be inconsistent with the provisions of this act.

SECTION 3. That said company shall be authorized to acquire, hold, mortgage and convey such real and personal estate as is necessary for the transaction of its business.

SECTION 4. That the said company shall have the power to make from grain, meal, flower or other farinaceous substances, paste, sizing, grits, farina, starch and other articles of food, and to transport and vend the same.

SECTION 5. That the said corporation shall pay a bonus of one-half of one per centum on the capital stock of said company and upon any increase thereof, payable in four equal annual instalments, the first payment to be made in one year from the

date hereof, and shall pay such tax upon dividends as is or may be provided by law.

SECTION 6. That the stockholders of said corporation shall be jointly and severally liable in their individual capacities for all debts contracted for work and labor done and materials furnished in the construction of the factory and machinery of the said corporation, and for all debts contracted in their business of manufacturing, selling and conveying of products to market, to be sued for and collected as is provided by the twelfth, thirteenth and fourteenth sections of the act incorporating the Lackawanna iron and coal company, approved the fifth day of April, A. D. one thousand eight hundred and fifty-three.

Individual liability.

Subject to.

SECTION 7. That the corporators herein named shall serve as directors of the company, a majority of whom shall be a quorum for the transaction of business, until the time which the by-laws shall prescribe for the election of a new board, and until a new board shall be chosen.

Directors' and quorum.

SECTION 8. All contracts to be binding on the company must be signed by the president and secretary.

Contracts.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 369.

A N A C T

To incorporate the Mummasburg Mutual Fire Protection Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Abraham Rife, George Throne, William D. Gobrecht, Peter Kettamar, Peter Shull, Tobias Boyer, Joseph Hartzel, Charles Starner, William Settle, Jacob Fulweiler, John Throne and George Lady, of the county of Adams, are hereby appointed commissioners, who, or a majority of whom, are authorized and empowered from and after the passage of this act, to establish an insurance company, by the name and title of the Mummasburg mutual fire protection society, to be located in the county of Adams, and to be organized and managed according to the provisions of an act to provide for the incorporation of insurance companies, approved the second day of April, Anno Domini

LAWS OF PENNSYLVANIA,

one thousand eight hundred and fifty-six, and shall be limited to the risks designated in the first class, in the seventh section of said act, and transact its business upon the mutual principle.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 370.

AN ACT

To repeal the act of February, one thousand eight hundred and forty-eight, so far as it relates to the county of Chester.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act approved the eighth day of April, Anno Domini one thousand eight hundred and fifty-seven, extending to the county of Chester the act of eighth day of February, Anno Domini one thousand eight hundred and forty-eight, entitled "An Act relative to the coroners of Berks and Lancaster counties," be and the same is hereby repealed.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JOHN CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 371.

AN ACT

Relative to Moneys due to the Commonwealth of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in all cases where money has been collected, or shall hereafter be collected by any agent or attorney of the commonwealth of Pennsylvania, and has not been, or shall not hereafter be duly paid over to said commonwealth, the attorney general is hereby authorized to commence an action against said attorney or agent, to enforce the payment of the same, in the court of common pleas of Dauphin county, and may proceed to final judgment and execution in the same manner, and with like effect, as is now allowed by law against defaulting public officers.

Money collected
by common-
wealth agents.
payment how
enforced.

SECTION 2. That the proviso to the third section of the act, Repeal. entitled "An Act relative to the office and duties of attorney general," be and the same is hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JOHN CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 372.

A SUPPLEMENT

To an act, entitled "An Act approved the seventeenth day of March, A. D. one thousand eight hundred and fifty-eight," authorizing the Canal Commissioners to examine the Claim of Thomas Morley, late of Wyoming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so soon as the canal commissioners shall personally examine the said claim, they shall make report to the auditor general and state treasurer of the amount of said damages, if any so awarded;

and the state treasurer is hereby authorized and required to pay over to the said Morley, the amount of such award, from any moneys remaining in the treasury not otherwise appropriated.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JOHN CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred fifty-eight.

WM. F. PACKER.

No. 373.

AN ACT

To authorize the borough of Hollidaysburg to Borrow Money.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the present burgess and town council of the borough of Hollidaysburg, in the county of Blair, and their successors in office, be and are hereby authorized and empowered to borrow, on the credit of said borough of Hollidaysburg, such sum or sums of money as, in the discretion of the said burgess and town council, and their successors, shall be necessary to pay the present liabilities of said borough, and at a rate of interest not exceeding six per centum per annum.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 374.

A N A C T

Extending the time for the completion of the Hollidaysburg and Bedford Turnpike Road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time fixed by the fifteenth section of the act, entitled "An Act authorizing the governor to incorporate the Hollidaysburg and Bedford turnpike road company," for the completion of the road authorized to be made by said act, be and the same is hereby extended for the period of one year.

Time for completion extended.

SECTION 2. That for the purpose of giving the creditors of the Hollidaysburg and Bedford turnpike road company a more effectual remedy for the recovery of their debts, it is hereby declared to be lawful for any of the judgment creditors of said company, to issue a *fieri facias* on any of said judgments now of record either in Bedford or Blair counties, directed to the sheriff of the proper county, authorizing him to sell to the highest and best bidder the said road, with all the franchises thereunto belonging, the sale to be made in accordance with the provisions of existing laws relative to sales of real estate within this commonwealth; and the purchaser or purchasers of said road, and their vendees and assigns, shall have full power to conduct and manage the business to be done on said road by such agent and officers as he or they may deem necessary to appoint, who shall be invested with the same rights, privileges and powers, and be subject to the same duties that are conferred and enjoined on the officers of said company by their charter and acts of incorporation; and may use the corporate name and seal of said company, and shall be vested with all the rights and privileges and be subject to all the restrictions imposed upon turnpike and plank road companies, contained in the act, entitled "An Act regulating turnpike and plank road companies," approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the several supplements thereto, in respect to tolls and freight; and hold and enjoy the said road, with all the franchises, rights and privileges free and discharged from all debts and incumbrances by said sale: *Provided*, That the portion of said road lying in the counties of Blair and Bedford respectively, shall be sold separately; that part lying within the county of Blair, to be sold in said county of Blair, and the portion lying in Bedford county, to be sold in Bedford county.

Creditors of, remedy for the recovery of their debts.

Authority to sell, &c.

Purchasers to conduct and manage the road, &c.

Subject to.

Provided.

SECTION 3. The proceeds arising from the sale or sales of said road, or any part or parts thereof, in pursuance of the provisions of this act, shall be distributed to and among all the creditors of said road, *pro rata*, subject, nevertheless, to any debts that

Proceeds of sale, how distributed.

may be preferred, or are subsisting liens against the property of said company.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,
Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 375.

AN ACT

Establishing a Public Wharf or Landing in the borough of Birmingham, in the county of Allegheny.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all that certain space of ground in the borough of Birmingham, in the county of Allegheny, lying and included between the northern line of Water street, as laid out by the ordinance of said borough, passed the twenty-eighth day of May, Anno Domini one thousand eight hundred and fifty-six, and the low water mark of the Monongahela river, and extending from M'Kee street, eastwardly, to a line parallel with Ormsby street, and one hundred and twenty-one feet eastwardly from said Ormsby street, being the eastern line of the town of Birmingham, as laid out by Nathaniel Bedford, be and the same is hereby declared to be a public wharf or landing, and shall forever hereafter be so used, occupied and enjoyed; and the burgess and town council of the borough of Birmingham shall have full power to grade, pave and improve the same, so as to make it suitable and commodious for said purpose; and it shall be their duty to keep said wharf or landing in good order and repair; and the burgess and town council aforesaid, shall have full power and authority to charge and enforce the collection of such reasonable tolls, fees and duties, in the nature of wharfage, as to them may appear proper and expedient, and make suitable rules and by-laws for the regulation of said wharf or landing; and they shall (in addition to the powers above granted) have and exercise over said wharf or landing, the same powers and authorities which they may or can exercise over the public streets of said borough.

Certain ground in the borough of Birmingham declared to be a public wharf.

Burgess and town council, power of.

SECTION 2. That any and all persons claiming title to the piece of ground so to be occupied as a wharf or landing, and damages for said occupation and appropriation may, on or before the first Monday of June next ensuing the passage of this act, make application, by petition, to the district court of the county of Allegheny; which said court shall thereupon appoint six disinterested persons, who, being first duly sworn or affirmed, shall proceed to inquire, on actual view of the premises, whether any, and what damage may or shall be sustained by the persons petitioning, by reason of said occupation and appropriation of said piece of ground, taking into consideration the benefits and advantages or disadvantages of said public improvement to the lots and ground of the petitioners fronting on Water street; and the said viewers, or a majority of them, shall make a report to said court within thirty days after their appointment, of their appraisal of the damage sustained, if any, and of their apportionment of the same; which report shall be filed in the office of the prothonotary of said court, and entered at large on the dockets thereof; and when confirmed by the court, shall have the force and effect of a judgment of said court, and may be enforced by a writ or writs of execution; and shall (unless appealed from as hereinafter provided) bind and conclude all persons claiming damages by reason of said occupation and appropriation.

Persons claiming damages, how to proceed, &c.

Viewers to assess damages.

Report of.

To be filed in prothonotary's office.

SECTION 3. That the burgess and town council aforesaid, and any and all persons who may consider themselves aggrieved, may appeal to the said district court within thirty days after such report shall have been filed in the office of the prothonotary, in the same manner and with the like conditions, limitations and effect as appeals are now allowed under the act, entitled "An Act relating to reference and arbitration," passed the fifteenth day of June, Anno Domini one thousand eight hundred and thirty-six; and said appeal shall take grade with, and be proceeded in, as to questions of title, damages and general merits and in all other respects whatsoever, as original actions brought in said court now are proceeded in, prosecuted and conducted: *Provided*, That on the trial of said appeal evidence of the benefits and advantages or disadvantages, if any, of said improvement to the lots and ground of the petitioners, fronting on Water street, shall be competent for the consideration of the jury.

Appeal.

Proviso.

SECTION 4. That the burgess and town council of said borough of Birmingham, shall pay or cause to be paid to the persons entitled to receive the same, all damages that may be assessed by virtue of proceedings under this act, within one year after the same shall have been ascertained and adjusted, with legal interest on the same; and the burgess and town council aforesaid shall on or before the first Monday of June, Anno Domini one thousand eight hundred and fifty-eight, file in said district court of Allegheny county, the bond of the corporation, in such sum and with sureties as may be designated and approved of by said court, conditioned for the payment of said damages as above provided; which said bond shall be for the use and security of all persons who may recover damages by reason of the occupa-

Damages, how paid.

tion and appropriation of said space of ground as a wharf or public landing.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

JOHN CRESSWELL, JR.,
Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 376.

AN ACT

To consolidate the M'Cauley Mountain Railroad Company with the Columbia Coal and Iron Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the corporate rights, powers and privileges of the M'Cauley Mountain railroad company, are hereby added to, merged in, and consolidated with the Columbia coal and iron company, and all the property, rights, franchises and privileges now by law vested in the said M'Cauley Mountain railroad company, are hereby transferred to and vested in the said Columbia coal and iron company: Provided, That all rights of creditors and all liens upon the property of either of said corporations shall continue unimpaired; and the respective corporations may be deemed to be in existence to preserve the same; and all debts, duties and liabilities of either of said companies, shall thenceforth attach to the consolidated company, and may be enforced against it to the same extent and by the same process as if said debts, duties and liabilities had been contracted by it: And provided further, That in case of any difference or inconsistency of any nature between the acts regulating said companies respectively, that then the consolidated company shall in all respects be regulated by the law now governing and applicable to the said Columbia coal and iron company: And provided further, That the said consolidated company shall transport over their road all mineral and agricultural products, and the cars of individuals and companies at moderate rates of charge and at reasonable times; and in case of disagreement between the said consolidated company and any individual or company, as to the rates of charge, or the use of said road, either party may apply to the court of common pleas of Columbia county, by petition, for*

the appointment of three commissioners, who shall be disinterested persons, to fix the proper rates of charge, and determine any matter in dispute as to the reasonable use of the road; and the commissioners shall make report to said court, and upon confirmation thereof by said court, the same shall become and be binding upon the parties and determine their rights respectively; and the said company shall freely permit other companies and individuals to connect lateral and branch roads with their improvement, in order to the reasonable and proper use of the latter, under the charters of the said consolidated company and the provisions of this act.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 377.

A N A C T

To incorporate the Towns of Stewartsville and Chest Spring Village, in the county of Cambria, into a Borough.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the towns of Stewartsville and Chest Spring village, in the county of Cambria, and the territory adjacent thereto, comprised within the following boundaries, to wit: Beginning at a post in the Dry Gap road, in land of William Ivory, near the south-east corner of Chest Spring village; thence south one hundred and twelve east through land of William Ivory, twenty-one perches to a post; thence south seventy-eight and a half west fifty-four perches to a post, through land of William Ivory and Jacob Wagoner; thence south forty-four east between land of Wagoner and M. Douglass, thirteen perches to a post; thence south fifty-three west in land of M. Douglass and Henry Nutter, one hundred and nineteen perches to a post; thence south forty-eight and a half west in land of Augustine Byrne, eighty-eight perches to a post; thence north forty-one and a half west in land of A. Byrne and Anthony Will, Jr., one hundred perches to a post; thence north thirty-nine east in land of A. Will, Jr., forty perches to a post; thence south seventy-three east on line between A. Will and H. Nutter, forty to a post; thence north* *Boundaries.*

Corporate style.

fifty-three east in land of H. Nutter, William M'Guin and Andrew Callaghan, one hundred and ninety-five perches to a post and Phillipsburg road; thence south fifty-three east seventy-six perches to the place of beginning, be and the same is hereby erected into a borough, to be called the borough of Chest Spring, and shall enjoy the privileges and be subject to the limitations and restrictions not herein otherwise provided for, of the general laws of this commonwealth relating to boroughs.

Separate election and school district.

SECTION 2. That said borough shall form a separate election and school district.

Election of borough officers.

SECTION 3. That the qualified electors of said borough shall on the second Monday of May next, and on the third Friday of February of every year thereafter, meet at the house of Jacob Wagner, in said borough, and then and there, between the hours of one and six o'clock in the afternoon, elect by ballot one reputable person to be styled burgess of the said borough, and five other persons to be members of the town council, one assessor and two assistant assessors, when required by the law of this commonwealth, two justices of the peace, one person for constable, who shall act as high constable, one judge and two inspectors of election, and at the first election six school directors, two of whom to serve for one year, two for two years, and two for three years; all of said officers must be citizens of the said borough and have resided therein at least six months next preceding such election; the said election shall be conducted in the same manner as is provided for the election of township officers of this commonwealth, except that the certificates of the election of burgess, councilmen and school directors shall be filed among the records of the corporation: *Provided*, That the officers elected at the first election to be held under this act, shall hold their respective offices only until their successors shall be duly qualified to act.

Elections, how conducted.

Proviso.

First election, who held by.

SECTION 4. That the first election under this act shall be held by a judge and two inspectors, to be chosen by the qualified electors of said borough, present at the opening of the election; and the inspectors thus chosen shall each appoint a clerk, and the constable of Clearfield township is hereby required to attend at the house of Jacob Wagner, in said borough, on the said second Monday of May next, at one o'clock in the afternoon, and open said election, and to give at least five days' previous notice of said election: *Provided*, That if the said constable shall fail to be present at the time aforesaid, the said election may be opened by any qualified elector of the said borough.

Proviso.

School directors, their duties, &c.

SECTION 5. That the school directors elected under this act shall perform the same duties and possess the like powers in all respects as school directors elected agreeably to the general laws of this commonwealth; and those first elected shall immediately after election cause to be made an enumeration of the taxable inhabitants of said borough, and the president of the board of directors shall certify the same to the superintendent of the common schools, who is hereby directed to adopt the number of taxables so certified, as a basis of distribution to to said borough, of its share of the state appropriation.

May hold real estate.

SECTION 6. That the corporation aforesaid shall have power to purchase and hold such real and personal estate as the pur-

pose of the borough shall require, not exceeding the yearly value of one thousand dollars, and to convey the same when the interest of the borough will be promoted by it.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JOHN CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 378.

A N A C T

To incorporate the Borough of Monongahela.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of the borough of South Pittsburg, lying west of a line drawn longitudinally through the middle or centre of the Monongahela bridge, and extended on the same course to the southern boundary line of said borough, be and the same is hereby erected and incorporated into a separate borough, to be named the borough of Monongahela; and that so much of any law as is inconsistent herewith, be and the same is hereby repealed.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 379.

A SUPPLEMENT

To the act incorporating the Wellsboro' and Tioga Plank Road Company.

Authorized to
change the road
into a clay, gravel
or turnpike road.

Subject to.

Provisions of cer-
tain act suspen-
ded.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Wellsboro' and Tioga plank road company be and is hereby authorized to change the road into a clay, gravel or turnpike road, at such points and places on the road as the managers of the same may see proper; said clay, gravel or turnpike road to be graded not less than ten feet in width; and further, said company is authorized, in repairing that part of the road which shall be used as a plank road, to make the track of any width the managers may think proper, not less than six feet; subject, however, in other respects, to the restrictions, and with the privileges now belonging to said company under the different acts of assembly relating thereto.

SECTION 2. That the provisions of the fourteenth, fifteenth, sixteenth, seventeenth and eighteenth sections of an act of twenty-sixth of January, Anno Domini one thousand eight hundred and forty-nine, entitled "An Act regulating turnpike and plank road companies," be and they are hereby suspended, so far as regards such portion of the road of said company as is used by the public, free of charge, until it is repaired, and the company re-establish toll gates on it, and exact tolls, when said sections shall be revived and continue in full force.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 380.

A SUPPLEMENT

To an act, entitled "An Act granting aid to the Orphans' Asylum Society of Pittsburg and Allegheny," approved the fourteenth of February, one thousand eight hundred and thirty-eight.

WHEREAS, By an act, entitled "An Act granting aid to the Orphans' Asylum society of Pittsburg and Allegheny," approved the fourteenth of February, one thousand eight hundred and thirty-eight, it was provided that the state treasurer be required and authorized to pay to the president and managers of the Orphans' Asylum society of Pittsburg and Allegheny, the sum of one thousand dollars per annum for the term of ten years:

And whereas, But six thousand dollars thereof has been paid; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the said treasurer be and he is hereby authorized and required to pay to the president and managers of the Orphans' Asylum society of Pittsburg and Allegheny, the sum of one thousand dollars per annum, for the term of four years, the same to be paid in sums of five hundred dollars cash on the first days of July and January of each year, the first payment to be made on the first day of next July.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 381.

A N A C T

Making Compensation to William Hart, for injuries incurred in the Public Service.

WHEREAS, It appears from the report of the canal commissioners made in pursuance of law, that William Hart, of the

county of Chester, was severely and permanently injured without default of his own, while engaged in the discharge of his duties as a fireman in the public service; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized and required to pay out of any public money in the treasury otherwise unappropriated, to William Hart, of the county of Chester, his agent or attorney, the sum of one thousand dollars, in compensation of bodily injuries sustained by him while employed in the public service.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,
Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 382.

A FURTHER SUPPLEMENT

To an act authorizing the Governor to incorporate the Minersville Water Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the time specified in the seventeenth section of the act authorizing the governor to incorporate the Minersville water company, requiring said company to complete their works, so far as to bring within the limits of the borough of Minersville a sufficient supply of good water for the inhabitants of said borough, within three years from the passage thereof, be and the same is hereby extended two years from the expiration of said time.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The tenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 383.

A N A C T

Relative to the sale of the Warren Bridge over the Kiskiminetas river, in Armstrong and Westmoreland counties.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for any judgment creditor of the Warren bridge company, to sue out execution against said company, and cause their bridge and toll house erected over the Kiskiminetas river at Warren, now Appollo, in Armstrong county, to be levied on and sold in the same mode, form and manner as is by law provided for the collection of debts on judgments which are liens on real estate and upon which executions are issued. Judgment creditors, debts of, how collected.

SECTION 2. That it shall be the duty of the sheriff, either of Armstrong or Westmoreland counties, executing said process, to execute and deliver to the purchaser or purchasers thereof a deed, vesting in the said purchaser or purchasers all the interest, rights and privileges of the said company at the present time of, to and concerning said bridge and toll house; and all the corporate powers, authorities and privileges of said company shall be vested in the purchaser or purchasers thereof with like restrictions: *Provided*, That all the proceedings subsequent, as well as before the sale, shall conform to existing laws in relation to the sale of real estate by execution. Duty of sheriff.

SECTION 3. That it shall be the duty of the sheriff, after deducting the costs of judgment and expenses of sale, to pay the rest and residue of the proceeds of the sale into the court of common pleas; and it shall be the duty of said court to appoint an auditor to make distribution of said money, first to costs and expenses of audit, next to the payment of the creditors of said company who hold the bonds of same by assignment or otherwise, and debts contracted for repairs and materials for repairs since the construction of said bridge and toll house, if sufficient to pay and satisfy their claims, if not sufficient, then to be applied to same, *pro rata*, and if more than sufficient to pay the said bond creditors, then to distribute the balance, *pro rata*, among the stockholders: *Provided*, That all the bonds of said company, whether judgment has been obtained on them or not, shall be entitled alike in the distribution. Further duties of sheriff.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 384.

A N A C T

In regard to the Name of Nelson Township, Tioga county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all that part of the former township of Elkland, in the county of Tioga, not embraced within the bounds of Elkland borough and the township of Osceola, shall be named and called Nelson.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 385.

A N A C T

To regulate the Borough Elections in the borough of Williamsport, Lycoming county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the fourth and fifth sections of the act, entitled "An Act relative to taxation in the borough of Williamsport, Lycoming county, Pennsylvania," approved the seventeenth of February, Anno Domini one thousand eight hundred and fifty-eight, be and the same are hereby repealed.*

Certain sections of an act relative to taxation repealed.

SECTION 2. That each ward in said borough of Williamsport is hereby declared a separate election district, and that each ward hereafter shall elect their several and respective borough officers, except burgess, who shall be elected by a joint vote of both wards.

Each ward a separate election district, except for burgess.

SECTION 3. That three of the board of school directors and School directors three of the town council, shall be elected and reside in each and council ward.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 386.

A SUPPLEMENT

To the act to incorporate the City of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the select and common councils of the city of Philadelphia are authorized and directed to elect six additional trustees of the Philadelphia gas works; each council shall elect three of the said trustees at the last stated meeting in April, Anno Domini one thousand eight hundred and fifty-eight. Councils to elect six additional trustees of gas works.

SECTION 2. That the said six trustees after their election shall meet and divide themselves into three classes, the first class shall serve until February, one thousand eight hundred and sixty-one, the second class until February, one thousand eight hundred and sixty, and the third class until February, one thousand eight hundred and fifty-nine: *Provided,* That hereafter the election of said additional trustees shall occur at the same time that the law now provides for the election by councils of trustees of the Philadelphia gas works: that is to say, that in January, Anno Domini one thousand eight hundred and fifty-nine, six trustees of said Philadelphia gas works shall be elected, and so likewise, annually thereafter; and all laws, or parts of laws inconsistent herewith, be and the same are hereby repealed. Trustees to meet and divide themselves into classes. Proviso.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 387.

A N A C T

Authorizing the Canal Commissioners to examine the Claims of Lewis S. Coryell, for Damages and Lands occupied.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners be and they are hereby instructed and required to examine the claims of said Lewis S. Coryell, for damages for lands and materials, had by reason of the construction and repairs of the Delaware division of the Pennsylvania canal, and if they find him entitled, in equity and justice, to damages as aforesaid, to report the amount so found to the Senate and House of Representatives.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER

No. 388.

A N A C T

To incorporate the Beaver Dam Plank Road and Turnpike Road Company.

Commissioners. SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Charles Raustead, George W. Hawke, James S. Gallaher, Isaac Gates, George Walters, Jacob Hartzell, Thomas Bingham, John Isaacs, John B. Glasgow and Thomas Hollen, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company by the*

Style and route. *name, style and title of the Beaver Dam plank road and turnpike company, to locate and construct a plank road and such part as the said company may determine upon, from the steam saw mill of Charles Raustead, in White township, Cambria county, to the Altoona and Clearfield turnpike and plank road,*

at or near the Frugality saw mill of Bingham and Holliday, in the township and county aforesaid, to be subject to all the provisions and restrictions of the act regulating turnpike and plank road companies, approved the twenty-sixth January, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not inconsistent with this and the following sections of this act. Subject to.

SECTION 2. That the capital stock of said company shall consist of one hundred and twenty-five shares of twenty-five dollars per share: *Provided*, That said company may from time to time, at a meeting of the stockholders called for that purpose, increase the capital stock to such an amount as in their opinion may be required to complete the same according to the true intent and meaning of this act; and that whenever one-half of the whole length of the said road is completed, the said company may erect toll-gates and receive and collect tolls under the provisions of the aforesaid act of twenty-sixth January, one thousand eight hundred and forty-nine, and its several supplements. Capital.
Proviso.
Tolls.

SECTION 3. That if the said company shall not commence the construction of said road within three years from the passage of this act, and complete the same within six years thereafter, this act shall become null and void, except so far as to wind up the affairs of said company and pay the debts of the same. Commencement
and completion

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 389.

A N A C T

For the Removal of the State Powder Magazine from the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if the governor judge it necessary and proper, he is hereby authorized on behalf of the commonwealth, to make sale at public auction to the highest and best bidder, after ten days' public notice, published in at least two daily papers in the city of Philadelphia, of the state powder magazine, with the lot or piece of ground upon which it is erected, situate in the city of Governor authorized to make sale of state powder magazine.

Purchase money,
how appropriated.

Proviso.

Superintendent,
duty of.

Philadelphia, and to convey the same in fee to the purchaser, reserving the use and possession thereof until a magazine or magazines shall be erected to which the powder may be removed, agreeably to the provisions hereinafter mentioned; and out of the money arising from said sale, or as much thereof as may be thought necessary, may purchase one or more lots of ground as near to said city as a due regard to convenience and safety may require, and cause to be erected thereon one or more magazines and other necessary buildings for the deposit and safe keeping of gunpowder, constructed in such a manner as shall render it or them most secure from accidents from fire: *Provided*, That if the money arising from said sale should not be sufficient for said purposes, the governor may draw his warrant on the treasurer of the commonwealth for such additional sums as may be required, not exceeding together five thousand dollars, or so much thereof as may be necessary.

SECTION 2. That as soon as said magazine or magazines shall be completed, it shall be the duty of the superintendent or keeper of the magazine to cause all the powder at that time deposited therein, to be removed therefrom at the expense of the owners of said powder, to the magazine or magazines hereby directed to be built; and all gunpowder thereafter manufactured in the city of Philadelphia, or imported or brought into the same, shall be deposited and kept in said new magazine or magazines, under and subject to all the regulations and penalties now in force with regard to the inspection and deposit of gunpowder in the present magazine.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 390.

A N A C T

To authorize the Auditor General to examine the Vouchers and Claims of Samuel D. Brobst, as Supervisor on the North Branch canal.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the auditor general is hereby authorized and required to open the accounts of Samuel D. Brobst, former supervisor upon the North Branch canal, and re-settle the same, upon due notice to the said Brobst, allowing him such credits as he may be justly*

entitled to, without regard to lapse of time, and in the same manner in which the current accounts of supervisors are settled in his office; and if, upon such re-settlement, any amount be found to be due to the said Brobst, the same shall be paid by the state treasurer, out of any moneys in the treasury not otherwise appropriated, upon the warrant of the auditor general, to be drawn for that purpose.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,
Speaker pro tem. of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 391.

A N A C T

To empower the Commissioners of Venango county to purchase the French Creek Bridge at Franklin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the president and managers of the president and managers and company for erecting a bridge over French creek, at the town of Franklin, be and they are hereby authorized and empowered, at any time hereafter, on the concurrence or consent of the representatives of two-thirds of the stock of said company, to sell and convey the whole or any part of the real estate of said company, including the site of said bridge, the piers, abutments and materials thereof, to the commissioners of Venango county, who are hereby authorized and empowered to purchase the same in its present condition, or with any repairs that may be made to the same, for the purpose of converting the same into a county bridge; and on failure of a purchase by said commissioners, said president and managers be authorized to abandon or vacate said bridge, if they shall deem proper, and to remove, sell and dispose of the same to such person or persons, and for such prices as they may deem proper for the interest of said company.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 392.

A SUPPLEMENT

To the act incorporating the Six-penny Saving Fund of Philadelphia, approved the fifth day of April, Anno Domini one thousand eight hundred and fifty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the trustees of the Six-penny saving fund of Philadelphia, are hereby authorized to make loans on the securities provided for in the charter and its supplements, and on such terms as regards the safety of said loans as the trustees shall from time to time prescribe and direct: Provided, That they shall not loan upon any bond or mortgage, state or United States bonds, or the bonds or stock of any corporation, a greater amount than eighty per cent. of the market value thereof.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 393.

AN ACT

To correct an act, entitled "An Act to divide the Borough of Johnstown into Wards."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the first section of an act to divide the borough of Johnstown into wards, be corrected by inserting after the words, "Main street" the words, "Market street," so as to make it read, "so much of the westerly part of said borough as is bounded by Franklin street, Main street, Market street, Washington street,*

the Conemaugh river and Stony creek, shall be one ward and called the First ward."

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 394.

A FURTHER SUPPLEMENT

To the act incorporating the Hopewell and Bloody Run Turnpike and Plank Road Company.

WHEREAS, The stockholders of the Hopewell and Bloody Run turnpike and plank road company failed and neglected to elect managers for said road, at the time prescribed by law for holding such annual election; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the board of managers who were elected at the regular election immediately preceding the time for holding the last annual election, are hereby authorized and empowered to discharge all the duties of managers of said road, until the next annual election, as fully as if they had been regularly elected for that purpose, and all the acts, deeds, contracts and proceedings done, made, had and performed by said board of managers after the expiration of their term of office, are hereby confirmed and declared valid.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 395.

A N A C T

Establishing a mode of Selecting and Drawing Jurors in and for the city of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Board for drawing and selecting jurors.

the judges of the supreme court, when sitting in the city of Philadelphia, of the district court and court of common pleas of the city of Philadelphia, with the sheriff thereof, shall constitute a board for superintending and managing the drawing and selecting jurors, to serve in the several courts of the said city; one member of any two of the said courts, with the said sheriff or his duly authorized deputy, shall be a quorum of said board for the transaction of business.

Quorum.

Receiver of taxes, duty of.

SECTION 2. That prior to the first day of December in each and every year, the receiver of public taxes of the said city shall lodge with the said sheriff, for the use of the said board, a duly certified list of all the taxable inhabitants of the said city, setting out their names, places of residence and occupation; and prior to the tenth day of December in each and every year, it shall be the duty of the said board, or a quorum thereof, to assemble together and select from the said list of taxables a sufficient number of sober, healthy and discreet citizens, to constitute the several panels of jurors, grand and petit, that may be required for service in the said several courts for the next ensuing year, in due proportion from the several wards of the said city and the principal avocations.

Duty of the board

Names of taxables selected, placed in a wheel, &c.

SECTION 3. That the names of taxables so selected, with their respective places of residence and occupation, shall in the presence of the said board be written on separate pieces or slips of paper, which shall then and there be placed in a closed wheel, to provided by and kept in the exclusive custody of the said sheriff, securely locked, sealed or otherwise guarded from intrusion; a list of the names, residences and occupations so selected and placed in the said wheel, shall be certified by the members of the said board then present, to each of the said courts, to be duly filed therein for preservation and public inspection.

Jurors, when to be drawn.

SECTION 4. That at least three weeks before the commencement of each and every term of any of the said courts, the said board, or a quorum thereof, shall assemble and cause to be drawn from the said wheel as many of the names of the taxables therein deposited, as may be necessary to serve as grand and petit jurors for and in each of the said courts, according to the command of the venire or venires directed to the said sheriff;

one list of which names, residences and occupations so drawn, shall be duly certified by the said board to the proper court, with the venire issued therefrom; and one other list of said names, occupations and residences, shall be duly certified to the said sheriff.

List of names certified by the board.

SECTION 5. That it shall be the duty of the said sheriff to summon each of the said jurors in the manner now practiced, to appear in the court for which he may be drawn, on a day specified in the summons, to serve as a juror during the ensuing term; the said summons shall be served on each juror at least ten days before the time fixed for his appearance; of which said several services the said sheriff shall make return to the proper court, under oath, stating the time and manner of such service.

Jurors, how summoned.

SECTION 6. That no one so summoned as a juror shall be excused from service except in open court, on good cause shown to the satisfaction of the court; and if any juror so summoned and not excused, shall fail to attend the said court until duly discharged, he shall be fined for the use of the said city, not less than thirty nor more than two hundred dollars, to be recovered by attachment or such other appropriate process as the said court may direct.

In what manner jurors to be excused.

Fine for non-attendance.

SECTION 7. That whenever talesmen are required in any of the said courts, the said sheriff shall produce the said wheel in open court, and in the presence of the judges thereof draw therefrom five names for every talesman required; which names so drawn shall be immediately noted on the minutes of the court, whereupon a venire shall be issued, requiring the said sheriff to bring into court any one of the said five persons so drawn, to serve as a tales juror; no tales juror shall be selected or served in any other manner; the tickets or slips so drawn from the said wheel shall be returned thereto.

Talesmen, how selected.

SECTION 8. That no citizen, whose name has been duly drawn, and who has served as a juror for one full term, shall be liable to be again drawn and summoned as a juror for the succeeding period of three years.

Jurors, service of

SECTION 9. That the said sheriff shall preserve the said wheel secure from all interference by others; and if the said board, on any examination the members thereof may institute into the condition of the said wheel and its contents, shall discover that any names have been surreptitiously introduced or withdrawn therefrom, it shall be evidence of misdemeanor committed by the said sheriff; and thereupon it shall be the duty of any member of the said board to bind him over to answer at the next court of quarter sessions, for the said misdemeanor, and on conviction thereof he shall be punished by fine and imprisonment, at the discretion of the court; the said fine to be not less than two hundred dollars, and the imprisonment, if any, not less than three months in the county jail.

Sheriff to preserve jury wheel secure, &c.

What to constitute misdemeanor in the sheriff.

SECTION 10. That any of the duties enjoined on the said sheriff by this act may be performed by his duly appointed deputy, under the same penalties herein provided: *Provided*, That if such deputy shall be unable or refuse to pay any fine imposed by this act, the said sheriff shall be liable to pay the same.

Sheriff and deputy, duties of.

Proviso

Repeal.

SECTION 11. That all laws and parts of laws inconsistent herewith, or supplied hereby, are hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JOHN CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 396.

AN ACT

Relating to Coal, Canal and Navigation Companies.

Certain act extended to coal, canal and navigation companies

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the fifth section of the act, entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine, are hereby extended to any coal, canal or navigation company incorporated under the laws of this commonwealth, of which the stockholders, in general meeting to be convened according to the provisions of the existing charter thereof, shall, by a majority of the votes cast in the manner and under the rules prescribed by the said charter, accept the provisions of this act: *Provided,* That within sixty days after such acceptance, a certified copy of the same, under the seal of such company, shall be forwarded to the governor of this commonwealth, to be filed in the office of the secretary of the commonwealth.

Proviso.

Repeal

SECTION 2. That upon the acceptance of the provisions of this act by the stockholders of such company, in the manner provided in the first section of this act, so much of any former acts relating to such company, as will be supplied by this act, is hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 397.

A N A C T

Relative to Plank Road Companies in the counties of Wayne and Pike.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the president and managers of any plank road company in the counties of Wayne and Pike, are hereby authorized and empowered to construct said plank roads, or re-construct or repair the same from time to time, as occasion may require, with plank, stone or slate; but if said materials cannot be conveniently procured, they may use gravel or earth, at their discretion, and forever maintain and keep up the same in good repair with the materials aforesaid.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 398.

A N A C T

Authorizing the laying out of a State Road from Queenstown, Armstrong county, to Emlinton, in Venango county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That R. Criswell and R. Jennings, of Armstrong county, and James Millford, of Butler county, are hereby appointed commissioners to view and lay out a state road from Queenstown, in Armstrong county, to Emlinton, in Venango county, by way of Miller's eddy, in Armstrong county, with power to use so much of any road running in the same direction as, in their judgment, they may deem necessary.*

SECTION 2. That it shall be the duty of the said commissioners, or a majority of them, after having been duly sworn or affirmed

Commissioners.

Route.

Duty of commissioners.

before a justice of the peace, (who shall file and preserve the same in his office,) to perform all the duties required by this act with impartiality, carefully to view the ground and lay out the said road, having respect to the best ground and shortest distance, so as best to promote the public good, and do the least injury to private property.

Surveyor, &c.

SECTION 3. That it shall be the duty of the said commissioners to appoint some fit person to act as surveyor, at two dollars per day, two chain carriers and one axeman, at one dollar and twenty-five cents per day each; and for fulfilling the duties enjoined by this act, the said commissioners shall be allowed the sum of one dollar and fifty cents per day each, for every day they may be necessarily employed in performing the duties of their appointment.

Pay.

Expenses, how paid.

SECTION 4. That the said commissioners, surveyor, chain carriers and axeman, shall be paid by the counties of Armstrong, Butler and Venango, as other accounts against said counties are paid, in proportion to the length of time they are engaged in the said counties respectively.

Commencement and completion.

SECTION 5. That the said commissioners shall proceed, as soon as practicable, to commence and complete the location of said road; and if any vacancy should occur in said board by death, resignation or otherwise, the same shall be supplied by the remaining commissioners selecting a suitable person to fill such vacancy.

Vacancies, how filled.

Location.

SECTION 6. That the said commissioners shall plainly and distinctly mark the location of said road, and lay out the same, or any part thereof, on the bed of any road or part of a road heretofore laid out by authority of law: *Provided*, That the grade shall not exceed five degrees.

Proviso.

Drafts.

SECTION 7. That it shall be the duty of the surveyor to make a fair and accurate draft of the location of said road, noting thereon the courses and distances with reference to the improvements; one copy of which shall be deposited in the office of the secretary of the commonwealth on or before the first day of December next, and one copy in the office of the clerk of the court of quarter sessions of each of the said counties, on or before the said day, and from thenceforth the said road shall be, to all intents and purposes, a public highway, and shall be opened to the width of thirty feet, and repaired in all respects as other roads are opened and repaired.

Where and when deposited.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 399.

SUPPLEMENT

To an act relating to Road Laws in Chester and Lancaster counties, approved the twenty-eighth day of April, Anno Domini one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That before any view in any of the cases mentioned in the first section of the act to which this is a supplement shall be had, written or printed notice of the time and place of meeting of the viewers shall be given at least five days before said meeting, to the supervisors of each township in and through which the proposed public road will pass; and it shall be the duty of at least one of said supervisors to be present and attend to the interests of their respective townships: *Provided however,* That the absence of such supervisors shall not in any case in which they have received notice, prevent the viewers from proceeding in the performance of their duties under the order of court: *Provided,* That the provisions of this act shall not extend to the county of Lancaster.

Meeting of viewers, notice to be given to supervisors.

Proviso.

Proviso.

SECTION 2. That the supervisors attending such views shall receive from their respective townships, the same compensation per diem as is now allowed by law.

Compensation of supervisors.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 400.

AN ACT

Declaratory of an act incorporating the Philadelphia and Savannah Steam Navigation Company, approved the eighteenth day of March, one thousand eight hundred and fifty-one.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

the objects of the act incorporating the Philadelphia and Savannah steam navigation company, approved the eighteenth day of March, one thousand eight hundred and fifty-one, as regards the ports of destination, were fully carried into effect by the employment of one steam vessel between the ports of Savannah and Philadelphia, and that it was not intended by said act to compel the running of such other vessels as the said company might thereafter build, or lines which the said company might thereafter establish, to the said port of Savannah, the destination of said vessels or lines to run from the port of Philadelphia being unrestricted, except that it should not be lawful for said company to carry freight or passengers to or from any port or place on the Delaware river or bay northward of the breakwater.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 401.

A N A C T

To refund Certain Moneys to Joseph W. Parker.

WHEREAS, Joseph W. Parker was father of Thomas S. Parker, late of Braintrim township, in the county of Wyoming, deceased, and also administrator of his estate :

And whereas, At the time of the death of the said Thomas S. Parker, his father and mother were both living, and are still living :

And whereas, The said Joseph W. Parker was called upon by F. C. Ross, register of wills, &c., for the county of Wyoming, for a collateral inheritance tax on said estate, claiming that there was such a tax due to the state, and on the fourteenth day of July, one thousand eight hundred and fifty-one, the said Joseph W. Parker, under a misapprehension of the law, and relying upon the statement of the said F. C. Ross, paid to him, as said tax, the sum of ninety-eight dollars and fifty cents, and for which he took the receipt of said F. C. Ross ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer be and he hereby is authorized to pay to Joseph*

W. Parker the said sum of ninety-eight dollars and fifty cents, together with interest on the same from the fourteenth day of July, A. D. one thousand eight hundred and fifty-one.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 402.

A FURTHER SUPPLEMENT

To the act, entitled “An Act regulating Lateral Railroads,” passed May fifth, one thousand eight hundred and thirty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter in all cases where a petition has been presented for the appointment of viewers, under the provisions of the said act and its supplements, it shall be the duty of the viewers so appointed to report in writing whether the road asked for is necessary for public or private use, as well as the damages which will be sustained by the owner or owners of intervening lands; and when, in the opinion of the court, the road is necessary for public or private use, it shall be lawful for the petitioner or petitioners, upon giving bond, with one or more sureties, to be filed with the petition, and to be approved by the court to which such petition shall have been presented, conditioned for the payment of such damages as shall be assessed under the provisions of the acts to which this is a supplement, to proceed in the opening, constructing, completing and using the said railroad with one or more tracks, as prayed for in said petition.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM W. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 403.

A N A C T

To incorporate the Antrim and State Line Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Commissioners. Martin Newcomer, Samuel B. Snively, James C. M'Lanahan, Christian D. Leshner, Henry Shank, Jacob Leshner, Simon Shank, Andrew Leshner, Jeremiah Gordon, Melechi Snively, Simon Lecron and Alexander Gordon, or any five of them, be and are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of the Antrim and State Line turnpike road company, with power

Style. to construct a turnpike road from a point at or near the dwelling house of Jeremiah Gordon, in the township of Antrim, and

Route. county of Franklin, and to terminate at the state line between Pennsylvania and Maryland, meeting thereat the location of a road to be constructed by the citizens of Washington county,

Subject to. Maryland; subject to all the provisions and restrictions of an act regulating turnpike and plank road companies, approved the twenty-sixth day of January, Anno Domini one thousand eight hundred and forty-nine, and the several supplements thereto.

Capital. SECTION 2. That the capital stock of said company shall consist of five hundred shares at twenty-five dollars each: *Provided*, That said company may from time to time, by a vote of the stockholders at a meeting called for the purpose, increase their capital stock so much as, in their opinion, may be necessary to complete the road, and carry out the true intent and meaning of this act.

Tolls. SECTION 3. That whenever said company shall have finished two miles or more of said road, they shall have power to erect gates and receive tolls, agreeable to the conditions and restrictions of sections twelve and thirteen of the act of twenty-sixth

Subject to. January, one thousand eight hundred and forty-nine.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 404.

SUPPLEMENT

To an act relating to the Attachment of Vessels.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* from and after the passage of this act all ships, steamboats or vessels navigating the rivers Allegheny, Monongahela or Ohio, in this state, shall be liable and subject to a lien in the following cases: Vessels subject to lien in certain cases.

First. For all the wages due to hands or persons employed, whether as master, clerk or otherwise, on board such ships, steam or other boats or vessels, for work and labor done, or for services rendered on board or for the same. For wages due hands, &c.

Second. For all debts contracted by the owner or owners, agent, consignee, master, clerk or clerks of such ships, steam or other boats or vessels of whatever kind, character or description, for and on account of work and labor done or materials furnished by boat builders, engine builders, boilermakers, lumbermen, boat, store and provision furnishers, carpenters, blacksmiths, mastmakers, blockmakers, ropemakers, sailmakers, chairmakers, furnituremakers and venders, riggers, joiners, carvers, plumbers, painters, upholsterers, ship chandlers, coppersmiths, brassfounders, coopers and venders of sail cloth and canvass, in the building, repairing, fitting, furnishing or equipping such ships, steam or other boats or vessels of whatsoever kind, character or description, as hereinbefore specified and enumerated. Debts contracted for materials furnished, or work and labor done.

Third. For all bills, bonds, notes, bills of exchange, or all or any other acknowledgment or obligation of indebtedness for and on account of such ships, steam or other boats or vessels as hereinbefore specified and enumerated, signed and given, or purporting to be signed and given in the name or for or on account of such ships, steam or other boats or vessels, and owned by any owner or owners, agent, consignee, master, clerk or clerks of the same, to any of the classes above enumerated, whether the same be signed and given on account of work or labor done, or materials furnished in the building, repairing, fitting, furnishing, equipping or insuring such ships, steam or other boats or vessels as hereinbefore specified or enumerated: *Provided,* That the lien of the same shall continue in favor and to the benefit of all and every party or parties whomsoever, into whose hands the same may have passed by transfer, assignment or otherwise. For all bills, bonds, notes or any other obligation of indebtedness.

Fourth. For all sums due for warfage or anchorage of any such ships, steam or other boats or vessels of whatsoever kind, character or description as hereinbefore specified and enumerated. Proviso. For sums due for wharfage.

Fifth. For all demands or damages accruing from the non-performance or mal-performance of any contract of affreightment, or of any other contract entered into by the owner or owners, agent, consignee, clerk or clerks of any such ships, steam or other boats or vessels as hereinbefore specified and enumerated, touching the transportation of person or property, Damages.

or for all damages or for injuries done to the same, in any way or manner, by such ships, steam or other boats or vessels as hereinbefore specified and enumerated.

Priority of claims, relative to.

SECTION 2. That these classes of claims shall have priority according to the order in which they are above specified and enumerated, and the liens under this act shall have precedence of all other liens and claims against any such ships, steam, or other boats or vessels, as hereinbefore specified and enumerated, and owing by the owner or owners thereof, in relation thereto or on account of the same: *Provided*, No precedence or priority of claim or lien shall exist or obtain, between any of the parties enumerated and specified in the second class, other than as the same shall exist and obtain by operation of law.

Proviso.

Not more than three months' wages to be recovered upon a lien.

SECTION 3. That no more than three months' wages shall be recovered in any suit upon a lien in the first class above specified and enumerated, and every person claiming a lien in that class shall commence his suit within sixty days after three months' wages shall have become due and owing as aforesaid, and in case there shall not be three months' wages due and owing, or if the contract for service shall have terminated in a shorter time than three months' as aforesaid, then the same shall be commenced within sixty days after the same is due and owing, and within sixty days after the conclusion and termination of such contract.

Suit to be commenced within sixty days.

Certain kind of suits to be commenced within two years.

SECTION 4. That all suits upon liens in any other than the first class above enumerated, shall be commenced within two years after said materials are furnished, or work and labor done, or within two years after the date of the last item in the account upon which the action is founded; and any neglect or failure to commence suit by virtue of this, or the last preceding section, shall discharge such ships, steam, or other boats or vessels as hereinbefore specified and enumerated, from the lien of the demands so claimed as aforesaid.

Lien not to be invalidated by taking note, &c.

SECTION 5. That the taking or receiving of any note, bill of exchange, or other writing, in settlement of a debt comprehended in any of the above enumerated classes, shall in nowise invalidate the lien given by this act, but the same shall exist in full force and effect, as if no such note, bill of exchange, or other writing had been given: *Provided*, That the time for which the same be given be within the time of the lien as allowed and fixed by this act.

Proviso.

Remedies under this act.

SECTION 6. That all the remedies under this act shall be the same in manner and form of application and execution, as such remedies are carried out and obtained in the law to which this is a supplement.

Repeal.

SECTION 7. That all laws, or parts of laws in conflict with the spirit or provisions of this act, be and the same hereby are repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 405.

A SUPPLEMENT

To an act to Regulate the Sale of Intoxicating Liquors, approved the thirty-first of March, Anno Domini one thousand eight hundred and fifty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That applicants for brewery or distillery license shall hereafter pay therefor, the several amounts fixed by the third section of an act to regulate the sale of intoxicating liquors, approved March thirty-first, Anno Domini one thousand eight hundred and fifty-six: *Provided*, That the same shall in no case be less than twenty-five dollars, except in case of persons whose annual sales are less than one thousand dollars, who shall pay fifteen dollars, and the proviso in the section aforesaid, so far as it fixes the minimum rate of license at fifty dollars, is hereby repealed.

Brewery and distillery license, pay of.

Proviso.

SECTION 2. That applicants for license to vend any intoxicating liquors by the quart, or greater quantity, with or without other goods, wares or merchandize, shall hereafter pay therefor twenty per cent. less than the several amounts fixed by the twelfth section of an act to regulate the sale of intoxicating liquors, approved March thirty-first, Anno Domini one thousand eight hundred and fifty-six: *Provided*, That the same shall in no case be less than twenty-five dollars; and the proviso in said section, that such sum shall in no case be less than fifty dollars, is hereby repealed.

Venders by the quart or greater quantity, pay of license.

Proviso.

SECTION 3. That all hotels, inns and taverns shall be classified and rated according to the estimated yearly sales of liquors authorized to be sold therein, or in the house intended to be occupied for such purpose, as follows, to wit:—In all cases where such estimated yearly sales shall be ten thousand dollars or more, such hotel, inn or tavern shall be rated as of the first class, and the sum to be paid for license shall be five hundred dollars; when more than eight and less than ten thousand dollars, as second class, and pay two hundred and fifty dollars; when more than six and less than eight thousand dollars, as third class, and pay one hundred and fifty dollars; when more than four and less than six thousand dollars, as fourth class, and pay one hundred dollars; when more than two and less than four thousand dollars, as fifth class, and pay fifty dollars; when more than one and less than two thousand dollars, as sixth class, and pay thirty dollars; when more than five hundred dollars and less than one thousand dollars, as seventh class, and pay twenty-five dollars; when less than five hundred dollars, as eighth class, and pay fifteen dollars: *Provided*, That in Philadelphia and Pittsburgh no such license shall be granted for a less sum than fifty dollars a year; nor in any other city or incorporated borough, for a less sum than twenty-five dollars a year; and the estimated yearly

Hotels, &c., to be classified.

Rate of licenses.

Proviso.

sales of all applicants for such license, shall be assessed, as provided in the fifteenth section of an act to regulate the sale of intoxicating liquors, approved March thirty-first, Anno Domini one thousand eight hundred and fifty-six.

Eating house licenses, how classified.

SECTION 4. That license shall be granted for the keeping of eating-houses, which shall authorize the sale of no intoxicating liquors, except domestic wines, and malt and brewed liquors, and persons so licensed, shall be classified and rated according to the provisions of the twenty-second and twenty-third sections of an act to create a sinking fund, and to provide for the gradual and certain extinguishment of the debt of the commonwealth, approved April tenth, Anno Domini, one thousand eight hundred and forty-nine: *Provided*, That no such license shall be granted in the cities of Lancaster or Pittsburg, for a less sum than twenty dollars, nor elsewhere, for a less sum than ten dollars.

Proviso.

Licensed venders may sell in any quantity not less than a quart.

SECTION 5. That licensed venders of vinous, spirituous, malt or brewed liquors, or any of them, or any admixtures thereof, either with or without other goods, wares and merchandize, except brewers and distillers, may hereafter sell any of them which they may be licensed to sell, in any quantity not less than one quart; and licensed brewers and distillers may hereafter sell such liquors as they are licensed to manufacture and sell in any quantity not less than one gallon: *Provided*, That this act shall not be construed to prevent a brewer otherwise qualified, from receiving a retail license in like manner, and under the same provisions as in the case of eating-houses, in addition to his license as brewer.

Proviso.

Licenses, how and to whom granted.

SECTION 6. That licenses to vend the liquors aforesaid, or any of them, shall be granted to citizens of the United States, of temperate habits and good moral character, whenever the requirements of the laws on the subject are complied with by any such applicant, and shall authorize the applicant to sell the liquor aforesaid, for one entire year from the date of his license: *Provided*, That nothing herein contained shall prohibit the court, board of licensers, or commissioners, from hearing other evidence than that presented by the applicant for license: *And provided further*, That after hearing evidence as aforesaid, the court, board of licensers, or commissioners, shall grant or refuse a license to such applicant in accordance with the evidence: *Provided further*, That if any person or persons shall neglect or refuse to lift his, her, or their license within fifteen days after the same has been granted, such neglect or refusal shall be deemed a forfeiture of said license; and such person or persons selling vinous, spirituous, or malt liquors after the expiration of the fifteen days, as aforesaid, shall be liable to prosecution and conviction in the proper court, as fully and effectually as if no license had been granted to such person or persons.

Proviso.

Proviso.

Proviso.

Not transferable.

Bar not to be under-let except in certain cases.

SECTION 7. That no license to vend the liquors aforesaid, granted under this or any other law of this commonwealth, shall be transferable, or confer any right to sell the same in any other house than is mentioned therein; nor shall any bar or place where such liquor is sold by less measures than one quart, be underlet by the person licensed to sell thereat; but if the party licensed shall die, remove or cease to keep such house, his, her or their license may be transferred by the authority

granting the same, or a license be granted the successor of such party, for the remainder of the year, by the proper authority, on compliance with the requisitions of the laws in all respects except publication, which shall not in such case be required: *Provided*, That where any license is transferred as aforesaid, no payment, other than fees, shall be required; and where a license is granted under this section, for a portion of a year, the party licensed shall pay therefor a sum proportionate to the unexpired term for which the same is granted. Proviso.

SECTION 8. That manufacturers and producers of cider and domestic wines, and bottlers of cider, perry, ale, porter or beer, not otherwise engaged in the sale of intoxicating liquors, nor in keeping any tavern, oyster house or cellar, restaurant or place of amusement, entertainment or refreshment, shall be allowed to sell the same by the bottle, or domestic wines and cider by the gallon, without taking out license: *Provided*, That such liquor is not drank upon the premises where sold, nor at any place provided by such seller for that purpose. Manufacturers to sell without taking out license.
Proviso.

SECTION 9. That license to sell domestic wines, malt or brewed liquors, may hereafter be granted to the keeper of any beer house, theatre or other place of amusement, otherwise qualified to receive the same: *Provided*, That the use of a room or rooms in a hotel, as a concert room or theatre, shall not preclude the proprietor thereof from receiving a hotel license, if he shall have and keep the accommodations for a hotel, required by the act of March thirty-first, one thousand eight hundred and fifty-six: *And provided further*, That the preceding proviso shall not apply to the cities of Philadelphia and Pittsburg. Beer houses, theatres, &c., may sell domestic wines, &c.
Proviso.
Not to apply to Philadelphia and Pittsburg.

SECTION 10. That the petition of an applicant for eating house or retail brewery license, need not hereafter embrace the certificate of citizens, required by the eighth section of an act to regulate the sale of intoxicating liquors, approved March thirty-first, Anno Domini one thousand eight hundred and fifty-six, nor shall publication of such applications be hereafter required; but such applications shall be filed with the clerk of the court of quarter sessions of the proper county, except in the county of Allegheny, and the licenses prayed for granted by the county treasurer; and the bond now required in such cases shall be first approved by the district attorney and county treasurer, and their approval endorsed thereon. Eating house and retail brewery, how application to be made.
Except in Allegheny county.

SECTION 11. That any unlawful sale of vinous, spirituous, malt or brewed liquors, or of any admixtures thereof, or any sale thereof in an impure, vitiated or adulterated state, shall be deemed a misdemeanor, and upon conviction thereof the offender shall pay a fine of not less than ten nor more than one hundred dollars, with the costs of prosecution, and upon a second or any subsequent conviction, shall pay a fine of not less than twenty-five nor more than one hundred dollars, with the costs of prosecution; and in case of a second or subsequent conviction, the court may, in its discretion, sentence the offender to imprisonment, not exceeding three calendar months; and in case any such offender, convicted of a second or subsequent offence, is licensed to sell any such liquor, such license shall be deemed forfeited and void, and no person convicted of a second or subsequent offence shall be again licensed for two years thereafter: *Provided*, Unlawful sale of liquor, or of impure or adulterated, penalty for.
Proviso.

That this section shall not be construed to repeal any act or part of an act punishing such unlawful sale, except the twenty-eighth section of an act to regulate the sale of intoxicating liquors, approved March thirty-first, Anno Domini one thousand eight hundred and fifty-six, which is hereby repealed.

Informer not to receive any portion of fine.

SECTION 12. That no prosecutor or informer in any prosecution for the illegal sale of intoxicating liquors, shall receive any portion of the fine imposed on the defendant in any case where such prosecutor or informer is a witness for the commonwealth; and in every case of the conviction of a person returned by a constable, such constable shall receive two dollars, to be taxed in the costs.

Persons prohibited from selling by less measure than a quart.

SECTION 13. That no person who keeps in his store or ware-room any hogsheads, stand casks or liquor pipes, or who keeps a grocery store, shall receive license to vend intoxicating liquor by less measure than one quart; and constables are hereby re-

Duty of constables.

quired to make return of all persons engaged in the sale of spirituous, vinous, malt or brewed liquors in their respective districts, who shall have in their places of business any of the articles aforesaid, naming them and the location of their respective places of business; and if any such person shall have a license to vend such liquors by less measure than one quart, the court may, on investigation, revoke the same; but such persons may, on complying with the laws on the subject, obtain license to sell by no less measure than one quart.

Philadelphia—applicants to make oath before commissioners of amount of sales, &c.

SECTION 14. That in Philadelphia, all applicants for license to sell intoxicating liquors by any measure less than one quart, shall appear before the commissioners of said city, between the first day of May and the first day of June in this year, and during the month of March in each subsequent year, and make and sign an oath or affirmation of the amount of their respective sales of liquors and other refreshments at their respective bars, to the best of their knowledge and belief; and said commissioners are hereby authorized to administer such oaths or affirmations, and required to file the same in their office, and rate and classify each applicant in accordance therewith: *Provided*, That any applicant for a license for a place not previously licensed, shall be rated and classified by them for the first year as they may deem just, after considering the locality of the premises for which license is asked, and they shall make out a correct list of all such applicants, with their names, places of business and the class in which they are respectively placed, and furnish the same to the city treasurer, who shall advertise the same once a week for three weeks, in two daily papers, for which services each commissioner shall receive the sum of twenty-five cents, and the expense of advertising the same, provided it does not exceed twenty-five cents, in each case to be paid by the applicant.

Classification.

Treasurer to advertise classified list.

Applicants to file bond, &c.

SECTION 15. That every applicant for license to vend intoxicating liquors in the city of Philadelphia, shall file a bond with the clerk of the court of quarter sessions of said city, in accordance with the tenth section of an act to regulate the sale of intoxicating liquors, approved March thirty-first, Anno Domini one thousand eight hundred and fifty-six, which shall be approved by the recorder of said city, after justification of the bail

before him, before license in any case shall be granted: *And provided further*, That each applicant, on his bond being so approved and filed, shall receive from the clerk of the court of quarter sessions a certificate of the fact, which certificate he shall produce to the city treasurer; and on the production of the same, the city treasurer shall collect the amount of the tax for which he has been assessed by the city commissioners, under the provisions of this act, and give the applicant his receipt for the same; and on the production of said receipt, the clerk of the court of quarter sessions is hereby authorized to issue to such applicant a license; and no license shall issue unless these provisions be complied with.

SECTION 16. That keepers of drinking saloons shall be licensed in the city of Philadelphia, to sell such liquors on the premises described in their license, as licensed keepers of hotels may lawfully sell; and all keepers of licensed eating houses, in said city, shall have the same privilege as to their sales; and all keepers of eating houses and drinking saloons in said city, shall pay for such license at the same rate paid by keepers of hotels and taverns in said city, to be ascertained in the same manner.

SECTION 17. That applicants for license to sell intoxicating liquors in the city of Philadelphia, shall not be required to file any certificate of citizens heretofore required, nor shall any publication of such applications be required.

SECTION 18. That the clerk of the court of quarter sessions shall not charge or receive more than one dollar for any license, nor more than one dollar for any frame and glass he may furnish therewith, and these fees shall include all his compensation for furnishing, preparing and filing the bond required in any case.

SECTION 19. That the ninth, sixteenth, seventeenth, eighteenth, nineteenth, twentieth and twenty-first sections of an act to regulate the sale of intoxicating liquors, approved March thirty-first, A. D. one thousand eight hundred and fifty-six, be and the same are hereby repealed, so far as relates to the city of Philadelphia; and that the mode of assessment provided in the third section and the provisions of the fourth section of this act, shall not apply to said city.

SECTION 20. That the county auditors of the county of Allegheny shall hereafter constitute the board of licensers for said county, and said board shall determine the amount to be paid for license by each applicant under this act, and under an act to regulate the sale of intoxicating liquors, approved March thirty-first, A. D. one thousand eight hundred and fifty-six, as provided in the act last mentioned, except so far as the same is hereby altered, supplied or repealed: *Provided*, No member of said board shall receive more than two hundred dollars for services rendered in any one year, as a member thereof.

SECTION 21. That the mayor's court of the city of Carbondale shall have power to grant licenses within its jurisdiction, under the provisions of this act, and shall have the same further powers in relation thereto, as are by this act, or otherwise conferred upon the courts of quarter sessions of the several counties of this commonwealth; and in cases of eating houses in said city of Carbondale, applications shall be filed with the clerk of said

mayor's court; and the licenses granted by the city treasurer, and the bond now required in such cases, shall be first approved by the district attorney of said court and the city treasurer, and their approval endorsed thereon.

Repeal.

SECTION 22. That the fourteenth, twenty-sixth, twenty-seventh and thirty-second sections of an act to regulate the sale of intoxicating liquors, approved March thirty-first, Anno Domini one thousand eight hundred and fifty-six, together with any acts or parts of acts conflicting herewith, or supplied hereby, so far as the same conflict or are supplied, are hereby repealed: *Provided*, That no license heretofore granted shall be in any way invalidated by the passage of this act; and all provisions of said act not hereby altered, supplied or repealed, shall apply as fully to licenses granted under this act, as under the act aforesaid; that the penalty imposed under the twenty-ninth section of said act, shall in no case exceed two dollars, which shall be paid to the treasurer of the school district where such conviction is had, by the magistrate collecting the same.

Proviso.

When licenses may be granted.

SECTION 23. That licenses may be granted under this act at the first term of the proper court after its passage, or at any special or adjourned court held within three months hereafter, and in such cases the court may dispense with the publication heretofore required.

Tenth section of act of 1856, construction of.

SECTION 24. That the tenth section of the act approved March thirty-first, Anno Domini one thousand eight hundred and fifty-six, shall not be held or construed to authorize judgment to be entered against the obligor in the bond therein provided, for a greater amount than the fine and costs prescribed and imposed for any offence working a breach of the condition of said bond: *Provided*, That the obligor or obligors in any such bond where judgment has been entered against him, her or them, for the whole amount of the bond, shall be and they are hereby released from the payment of the said judgment, whenever the fine and costs prescribed and imposed for such offence shall have been paid.

Proviso.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 406.

A N A C T

For the better preservation of Game and Insectivorous Birds.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any person within this commonwealth to shoot, kill, or in any way trap or destroy any blue bird, swallow, martin, or other insectivorous bird, at any season of the year, under the penalty of two dollars.

Killing of insectivorous birds prohibited.

SECTION 2. That from and after the passage of this act, no person shall shoot, kill or otherwise destroy any pheasant between the first day of January and the first day of September, or any woodcock between the first day of January and the fourth day of July, or any partridge or rabbit between the first day of January and the first day of October, in the present year, and in each and every year thereafter, under the penalty of five dollars for each and every offence.

Time prescribed

SECTION 3. That no person shall buy, or cause to be bought, or carry out of this state, for the purpose of supplying any private or public house or market, any pheasant, partridge, woodcock or rabbit, unless the same shall have been shot or taken in the proper season, as provided for in this act, under a penalty of five dollars for each and every offence.

Penalty for buying out of season.

SECTION 4. That no person shall, at any time, wilfully destroy the eggs or nests of any birds mentioned in the different sections of this act within this commonwealth, under a penalty of two dollars for each and every offence.

For destroying eggs or nests.

SECTION 5. That the possession of any person in this commonwealth, of any of the game and birds mentioned in the different sections of this act, shot, killed or otherwise destroyed out of season as aforesaid, shall be *prima facie* evidence to convict under this act.

Construction.

SECTION 6. That any person offending against any of the provisions of this act, and being thereof convicted before any alderman or justice of the peace aforesaid, or by the oath or affirmation of one or more witnesses, shall, for every such offence, forfeit the fine or fines attached to the same, one half to the use of the county in which the complaint is made, and the other half to the use of the informer; and if the offender shall refuse to pay the said forfeiture, he shall be committed to the jail of the proper county, for every such offence, for the space of two days, without bail or mainprise: *Provided however,* That such conviction be made within sixty days after the committing of the offence.

Penalty for offending against this act.

Provide

Repeal.

SECTION 7. That any act or acts conflicting with this act, be and the same are hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 407.

SUPPLEMENT

To an act, entitled “An Act to incorporate the West Chester Railroad Company,” approved the eighteenth day of February, one thousand eight hundred and thirty-one.

May re-locate
and re-construct
road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the West Chester railroad company for the purpose of straightening their road, and increasing the radius of the curves thereof, to re-locate and re-construct their said road, or such parts thereof as by the said company may be deemed advisable, on other ground than that now occupied by the same; and for the purpose of a better and safer connection with the Pennsylvania railroad, it shall be lawful for said West Chester railroad company to extend the eastern terminus of the said road, and connect with the Pennsylvania railroad at any point, not exceeding one and a half miles east of the present connection of the said West Chester railroad with the said Pennsylvania railroad: *Provided,* That the authority conferred by this section shall not authorize said company to bridge either Chesnut, Walnut or Mallack streets, in the borough of West Chester.

Proviso.

Authorized to
take and appropriate
land, &c.

SECTION 2. That it shall be lawful for the said West Chester railroad company to take and appropriate a sufficient quantity of land for engine houses, car houses and station houses adjoining and along the line of the said road as it may be finally located and constructed; and also to change the site of any public or private road, and to carry it over or under the said railroad, except within the borough limits of West Chester, by causeway, culvert, or bridge, at a different level from such railroad.

SECTION 3. That the said company shall have all the powers ^{Powers.} and authority, with respect to the re-location and re-construction of the said road, that were originally given to the said company, by the act to which this is a supplement; and that all compensation for damages shall be ascertained and secured, or paid according to the provisions of said act, and under the provisions of the fourth section of the seventh article of the constitution of this commonwealth.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 408.

AN ACT

To divide the Borough of Schuylkill Haven, in the county of Schuylkill, into four separate Wards, and to authorize the Election of Justices of the Peace and Town Councilmen, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the borough of Schuylkill Haven shall be divided into four separate wards or election districts, as follows: First, all that portion of said borough, taking Saint John street to be the dividing line, to the river Schuylkill, between South and East wards; thence down the same opposite a corner of the Reading railroad company's and the Forest improvement company's land; thence following the line of said companies to the township line, shall be called and designated by the name of the South ward, and the elections in said ward shall be held at the house of Philip Boyer. Second, all that portion of said borough lying east of Saint John street up to Copeland's run, shall be called and designated by the name of the East ward, and the elections in said ward shall be held at the house now occupied by Israel Seitzenger. Third, all that portion of said borough lying west of the river Schuylkill, down to the line of South ward, shall be called and designated by the name of West ward, and the elections in said ward shall be held at the house of John C. Stanton. Fourth, all that portion of said borough lying north of said Copeland's run and

^{Borough divided into wards.}

^{Boundaries of South ward.}

^{Elections, where held.}

^{East ward.}

^{Elections where held.}

North ward, elections, where held. on a line with the river Schuylkill, shall be called and designated by the name of North ward, and the elections in said ward shall be held at the house of Nathan Butz.

Justices of the peace and town councilmen, election of. SECTION 2. That at the next borough election of said borough the qualified electors therein shall elect one justice of the peace in each ward, two town councilmen in each ward; and the two councilmen elected, who shall receive the highest number of votes, shall hold their office for the term of four years; the two receiving the second highest number of votes for councilmen, shall hold their office for the term of three years; the two receiving the third highest number of votes for councilmen, shall hold their office for the term of two years; and the two receiving the lowest number of votes for councilmen, shall hold their office for the term of one year; and there shall be two councilmen elected every year, to supply the vacancies caused by the outgoing councilmen; and any vacancy occasioned in said council by death, resignation or by removing from said borough, shall be filled by the councilmen and chief burgess, until the next ensuing borough election; one chief burgess for said borough, who shall act in conjunction with said councilmen; one high constable; two school directors in each ward; two common constables, who shall be elected by the voters of the four wards; one assistant burgess, who shall act in the absence of the chief burgess; and the said town councilmen and chief burgess shall within ten days after they are elected elect a supervisor of public highways, with general supervisory powers over the streets and alleys in said borough, who shall be governed in all respects appertaining to said duties, by the existing laws of said borough; and the town councilmen and burgess of said borough shall exercise all other powers appertaining to their office and the good government of said borough not expressed in this act.

Terms of office of councilmen.

Vacancies, how filled.

Chief burgess.

High constables and school directors.

Assistant burgess.

Supervisor of highways.

Judges of election, place of meeting fixed. SECTION 3. That the election judges of the several wards in said borough shall meet at the public house of Israel Seitzenger, in said borough, on the day succeeding each borough election, for the purpose of counting the votes cast for borough officers, and for the purpose of notifying the persons elected to the different borough offices aforesaid.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 409.

A N A C T

To provide for the ordinary expenses of Government, the repairs of the Public Canals, and other general and special appropriations.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the following sums be and the same are hereby specifically appropriated to the several objects hereinafter mentioned, for the year commencing on the first day of June, Anno Domini one thousand eight hundred and fifty-eight, to be paid out of any money in the treasury not otherwise appropriated: Appropriations.

SECTION 2. For the salary of the governor of the commonwealth, four thousand dollars. Salary of governor and heads of departments.

For the salary of the secretary of the commonwealth, one thousand seven hundred dollars.

For the salary of the deputy secretary of the commonwealth, one thousand four hundred dollars.

For the salary of the auditor general, two thousand dollars, inclusive of his compensation as commissioner of the sinking fund.

For the salary of the surveyor general, one thousand six hundred dollars; and the salary of the surveyor general shall hereafter be sixteen hundred dollars per annum.

For the salary of the attorney general, three thousand dollars.

For the salary of the adjutant general, three hundred dollars.

For the salary of the superintendent of common schools, one thousand four hundred dollars.

For the salary of the state treasurer, inclusive of his compensation as commissioner of the sinking fund, one thousand seven hundred dollars: *Provided*, That the foregoing salaries shall be paid quarterly, at the office of the state treasurer.

SECTION 3. For clerk and messenger hire in the executive and state departments, six thousand dollars. Clerk hire, &c., executive and state departments.

For contingent expenses in the executive and state departments, as follows:

Postage and telegraphic despatches, one thousand eight hundred dollars; stationery, five hundred and fifty dollars; fuel and light, one hundred dollars; cleaning offices, thirty-five dollars; blank books, fifty dollars; miscellaneous expenses, fifty dollars; for repairs, one hundred and fifty dollars.

For clerk and message hire in the auditor general's office, eight thousand and fifty dollars. Auditor general's office.

For contingent expenses, as follows:

Postage and telegraphic despatches, five hundred dollars; stationery, three hundred and fifty dollars; fuel, seventy-five dollars; miscellaneous, seventy-five dollars.

For clerk and message hire in the surveyor general's office, eight thousand seven hundred dollars. Surveyor general's office.

For contingent expenses, as follows:

Postage, four hundred dollars; stationery, two hundred dollars; fuel, seventy-five dollars; miscellaneous, forty dollars; repairs, ninety dollars; white-washing and scrubbing, forty-five dollars.

Attorney general's office.

For clerk and message hire in the attorney general's office, nine hundred dollars.

For stationery, postage, fuel, lights and messenger hire, from the first day of February to the first day of June, one thousand eight hundred and fifty-eight, two hundred and seventy-five dollars.

For contingent expenses, as follows, viz:

Postage and telegraphic despatches, two hundred dollars; stationery and blank books, one hundred and fifty dollars; fuel and light, fifty dollars; for preparing and furnishing the office of the attorney general, as per bills certified, two hundred and ninety-seven dollars and sixty-four cents.

School department.

For clerk and message hire in the school department, as follows:

Salary of deputy superintendent and cashier, one thousand four hundred dollars; recording clerk, one thousand dollars; warrant clerk, one thousand dollars; messenger, five hundred dollars.

For contingent expenses, as follows:

Stationery and blank books, three hundred and fifty dollars; postage, including telegraphic despatches, one thousand two hundred dollars; fuel, light and cleaning office, sixty dollars; packing and distributing blank forms, laws with the decisions therein, reports, et cetera, to the several districts, six hundred dollars; miscellaneous, fifty dollars.

Treasurer's office

For clerks, messenger and night watch in the treasurer's office, five thousand four hundred and fifty dollars.

For contingent expenses, embracing postage, telegraphic despatches, express charges, stationery and blank books, fuel and light, and miscellaneous expenses, one thousand and fifty dollars.

Legislature.

SECTION 4. For the payment of the expenses of the legislature, including the pay and the mileage of the members, clerks and officers thereof, and the amount authorized by the eleventh section of the act passed the seventh day of May, Anno Domini one thousand eight hundred and fifty-five, for stationery, newspapers and lights, the sum of one hundred and twenty-five thousand dollars.

For the payment of the balance of the contingent expenses of the legislature for the year one thousand eight hundred and fifty-seven, the sum of four thousand one hundred and ninety-three dollars; and that the state treasurer is hereby authorized to pay to each member of the present legislature two hundred dollars, in addition to the amount of compensation now allowed by law; and that hereafter each member of the general assembly shall receive the sum of seven hundred dollars per annum in lieu of the salary now fixed by law.

Distributing laws.

SECTION 5. For packing and distributing the laws and journals of the legislature, seven hundred dollars, to be performed under the direction of the secretary of the commonwealth.

SECTION 6. For the public printing, folding, stitching and Printing binding, thirty thousand dollars, or so much thereof as may be necessary on the settlement of the account of the contractor under his contract, entered into in pursuance of the act approved the ninth day of April, Anno Domini one thousand eight hundred and fifty-six, entitled "An Act in relation to public printing."

SECTION 7. For miscellaneous expenses, three thousand dol- Miscellaneous. lars, to be accounted for in the usual manner.

SECTION 8. For the payment to the borough of Harrisburg, Water for public for supplying the public buildings with water, as per act of buildings. twenty-eighth of April, Anno Domini one thousand eight hundred and forty, six hundred dollars.

For payment to the Harrisburg gas company, for gas for pub- Gas for public lic buildings and walks, two thousand dollars. if so much shall buildings. be found due by the auditor general, under the contract, to be paid on the warrant of the governor, under the contract with the company, in pursuance of the charter of said company and its supplements.

SECTION 9. For the support of the common schools, two hun- Common schools. dred and eighty thousand dollars, to be paid on warrants drawn by the superintendent in favor of the school districts of the commonwealth, in proportion to the number of taxable inhabitants in each, after deducting clerk hire and contingent expenses, as appropriated in the third section of this act, and the salaries of the county superintendents, to be accounted for in the usual manner: *Provided*, That the basis of distribution of the said sum shall be the number of taxables of the several counties respectively, as reported at the septennial enumeration to the legislature of eighteen hundred and fifty-seven: *And provided further*, That the city of Philadelphia shall be entitled to a proportion on the above basis without contributing to the salaries of the county superintendents.

SECTION 10. For the payment of pensions and gratuities, fifteen Pensions. thousand dollars, or so much thereof as may be necessary.

SECTION 11. For the payment of the salaries, and the per diem Supreme court. allowance of the judges of the supreme court, eighteen thousand seven hundred dollars.

SECTION 12. For the payment of the salaries of the judges of Judges of Phila- the district court, and the president and associate law judges of delphia city. the court of common pleas of the city of Philadelphia, sixteen thousand eight hundred dollars.

SECTION 13. For the payment of the salaries of the judges of Judges of Alle- the district court, and president judge of the common pleas of gheny county. Allegheny county, eight thousand four hundred dollars; and to cover any deficiency in the appropriation for the salaries of said judges in the general appropriation act of one thousand eight hundred and fifty-seven, the further sum of nine hundred dollars, or so much thereof as may be necessary.

SECTION 14. For the payment of the salaries and mileage of Judges common the president and associate law judges of the several courts of pleas. common pleas, in this commonwealth, except in the city of Philadelphia, and the county of Allegheny, fifty-two thousand seven hundred dollars.

- Associate judges.** SECTION 15. For the payment of the salaries and mileage of the associate judges of the several courts of this commonwealth, twenty-five thousand dollars.
- Interest on state debt.** SECTION 16. For the payment of the interest on the funded debt of the commonwealth that will fall due on the first days of July and August next, and the first days of January and February, one thousand eight hundred and fifty-nine, two millions of dollars, or so much thereof as may be necessary; and the state treasurer is hereby authorized, if it shall be necessary for the purpose of paying the interest on the said debt falling due on the first day of August next, to negotiate a temporary loan, not exceeding three hundred thousand dollars, on the same terms and conditions as were provided by the several sections of an act to provide for the ordinary expenses of the government, the repairs of the canals and railroads of the state, and the payment of other claims against the commonwealth, passed the eleventh day of April, Anno Domini one thousand eight hundred and forty-eight.
- Temporary loan.**
- Guarantied interest.** SECTION 17. For the payment of the guaranty of interest for the Danville and Pottsville railroad company, by the act of the eighth of April, Anno Domini one thousand eight hundred and thirty-four, and the act of twelfth of April, Anno Domini one thousand eight hundred fifty-one, eight thousand five hundred and seventeen dollars and seventeen cents, being the interest in full on said guaranty up to the first day of August, Anno Domini one thousand eight hundred and fifty-eight; to the Bald Eagle and Spring Creek navigation company, by the act of seventh of April, Anno Domini one thousand eight hundred and thirty-five, ten thousand dollars: *Provided however,* That said companies are hereby required to make it appear satisfactorily to the attorney general, that the said appropriations are due from the commonwealth; and it shall be the duty of the attorney general so to certify to the treasurer before any of the moneys herein appropriated are paid.
- Ordinary repairs.** SECTION 18. For the ordinary repairs of the canals belonging to the commonwealth, for the year ending the thirtieth of November, one thousand eight hundred and fifty-eight, including the repairing and re-building road and farm bridges, and including the completion of the North Branch canal, from Pittston northward, and the repairs of that line for the same period, one thousand eight hundred dollars, in addition to the sum of two hundred and twenty-five thousand dollars, appropriated by the act of the eighteenth day of May, one thousand eight hundred and fifty-seven, for repairs after the first day of December, one thousand eight hundred and fifty-seven.
- Ordinary repairs after December 1, 1858.** SECTION 19. For ordinary repairs to be made after the first day of December, one thousand eight hundred and fifty-eight, one hundred thousand dollars, no part whereof shall be expended before the said first day of December, except so much as may be necessary for the purchase and preparation of materials for executing repairs after that time.
- Collectors, &c.** SECTION 20. For the payment of collectors, weigh-masters and inspectors, and the incidental expenses of their offices, until the first day of April, one thousand eight hundred and fifty-nine, twenty thousand dollars.

SECTION 21. For the payment of lock-keepers, until the first day of April, one thousand eight hundred and fifty-nine, twenty-three thousand two hundred dollars. Lock-keepers.

SECTION 22. For the payment of the canal commissioners, and the expenses attendant upon their office, six thousand nine hundred and eighty dollars, to be appropriated as follows: Canal commissioners and expenses of office.

Compensation of canal commissioners, four thousand three hundred and eighty dollars; salary of the secretary of the board, one thousand four hundred dollars; extra clerk hire, three hundred dollars; payment of messenger, four hundred dollars; postage and telegraphic despatches, two hundred and fifty dollars; stationery and advertising, one hundred and fifty dollars; cleaning, repairs of office and miscellaneous expenses, one hundred dollars.

SECTION 23. For salary of state engineer, three thousand dollars. State engineer.

For postage and miscellaneous expenses of the office of the state engineer, one hundred dollars.

SECTION 24. For the repairs of any damages that may be done to any portion of the public works, by breaches or fire, the sum of fifty thousand dollars: *Provided*, That before any part of said sum shall be drawn from the state treasury, the canal commissioners shall certify to the state treasurer and auditor general the nature and extent of said damages, and the amount deemed necessary to be drawn from the treasury to meet the expenses of repairing such damages; and if the auditor general and state treasurer concur in the opinion as to the necessity of making such repairs before the commencement of the next session of the legislature, the amount required for such purpose, not exceeding the sum hereby appropriated, may be advanced to the proper disbursing officers. Extraordinary repairs.

SECTION 25. For continuing and completing the enlargement of the Delaware division, from New Hope to Bristol, and for the payment of damages done to private property consequent upon such enlargement, said damages to be assessed by the canal commissioners, fifty thousand dollars. Enlargement of Delaware division, &c.

SECTION 26. That the appropriations by this act made applicable for the repairs of the canals belonging to the commonwealth, including the appropriations to the Upper North Branch canal, may be paid by the state treasurer on the presentation of the required vouchers and the usual warrant of the board of canal commissioners, and at such times after the passage of this act as the interests of the public service may require, keeping in view the different sections of the works. Appropriations, how paid out by treasurer.

SECTION 27. For the payment of the salaries of the officers of the Western Penitentiary, ten thousand one hundred and fifty dollars; also the further sum of five hundred dollars for gratuities to discharged convicts during the years one thousand eight hundred and fifty-six and fifty-seven, as per act of the twenty-third of April, Anno Domini one thousand eight hundred and twenty-nine; and also the further sum of four thousand five hundred dollars, to pay for repairs of damages caused to the main building by fire in June last. Western penitentiary.

SECTION 28. For the payment of the salaries of the officers of the Eastern Penitentiary, twelve thousand eight hundred and Eastern penitentiary.

Proviso. ninety-five dollars, and for paving Twenty-second street, along the western side of said penitentiary, one thousand dollars: *Provided*, That the said sum to pay the salaries of the officers shall be drawn from the treasury quarterly, on or after the fifteenth day of the months of June, September, December, of one thousand eight hundred and fifty-eight, and March, one thousand eight hundred and fifty-nine, in such portions as may be necessary for that purpose, and the said sum of one thousand dollars may be drawn when the board of inspectors shall certify that the paving of said street is finished; and the sum of one thousand dollars is hereby appropriated to pay gratuities to discharged convicts, on the presentation of vouchers duly authenticated.

House of refuge, Philadelphia. SECTION 29. For the house of refuge of Philadelphia, the sum of fifteen thousand dollars, for the support of the institution, and the further sum of seventeen thousand five hundred dollars, to be applied to the liquidation of existing debts.

House of refuge, Pittsburg. SECTION 30. For the house of refuge of western Pennsylvania, in the county of Allegheny, twenty-five thousand dollars, to be appropriated as follows: To the extension of the apartments for the accommodation of boys, six thousand dollars; for the payment of debts for building and furnishing, twelve thousand dollars: for the salaries of officers, seven thousand dollars.

Western Pennsylvania hospital. SECTION 31. For the support of the Western Pennsylvania hospital, seven thousand dollars; five thousand dollars to be applied to salaries of officers, and two thousand to be applied to fitting up wards for the insane.

Blind. SECTION 32. For the Pennsylvania institution for the instruction of the blind, twenty-two thousand dollars.

Deaf and dumb. SECTION 33. For the instruction of indigent pupils in the Pennsylvania institution for the instruction of the deaf and dumb, twenty thousand dollars: *Provided*, That the sums appropriated for the instruction of the blind, deaf and dumb, shall be paid to said institutions in proportion to the number of indigent pupils received by each from the several counties of this commonwealth, at the rates prescribed by law; evidence of the number of pupils to be furnished to the state treasurer.

Feeble minded children. SECTION 34. That the state treasurer is hereby authorized to pay to the treasurer of the Pennsylvania training school for feeble minded children, such amount as said institution may be entitled to receive under the provisions of the sixth section of the act incorporating said school, passed seventh of April, Anno Domini one thousand eight hundred and fifty-three.

State lunatic hospital. SECTION 35. For the Pennsylvania State Lunatic hospital, the sum of twenty thousand dollars, fifteen thousand to be applied to the payment of salaries and the support of the hospital, and the balance to the renewal of furniture, the repairs and improvements of the building.

E. R. Brady. SECTION 36. That the state treasurer is hereby authorized to pay E. R. Brady, twenty dollars, for transcribing for committee of ways and means.

Adjutant general. SECTION 37. For the payment of the salary of the adjutant general, for visiting the arsenals of the commonwealth, as directed by the seventy-third section of the act of one thousand eight hundred and twenty-two, entitled "An Act for the regulation of

the militia of the commonwealth," two hundred and fifty dollars.

SECTION 38. For the payment of the salary of the superintendent of the public printing, eight hundred dollars. Superintendent of printing.

SECTION 39. For the salary of the state librarian, eight hundred dollars, and for miscellaneous expenses of the state library, as follows, viz: State librarian and library.

Making fires, postage, freight, stationery, expenses of purchasing books, cleaning and white washing library rooms, two hundred and fifty dollars; for binding and lettering books, one hundred dollars; purchasing law books, six hundred dollars; miscellaneous books, two hundred dollars; exchanges of law books, two hundred and thirty dollars; assistant librarian and messenger, one hundred dollars.

SECTION 40. To Richard J. Haldeman, publisher of the Legislative Record, compensation at the rate of seven dollars per page for the numbers published and re-published of said record at the present session, deducting any sum heretofore paid, the amount to be certified as due by the superintendent of public printing; and the said publisher is hereby authorized to continue the publication of such record at the next session, under all the terms and conditions of the existing contract, until the two houses otherwise order or a new contract is made for such publication. R. J. Haldeman, publisher of Legislative Record.

SECTION 41. For the preservation and repairs of the capitol and improvement of the public grounds, the sum of three thousand four hundred and forty-three dollars and forty cents: *Provided*, That all moneys expended and contracts made, shall be at the direction and under the authority of the secretary of state and the auditor general. Capitol grounds.

For the erection of a park for deer upon the public grounds and for the keeping and support of said deer, not exceeding one hundred and seventy-five dollars. Deer.

For the payment of the superintendent and watchman of the public buildings and grounds, two dollars and fifty cents per day for and during the period of his appointment, to be paid out of the aforesaid appropriation. Pay of superintendent and watchman.

SECTION 42. That the state treasurer is hereby authorized to pay the trustees of the Pennsylvania training school for feeble minded children, to enable said trustees to erect suitable buildings for said institution, twenty thousand dollars. Feeble minded children.

SECTION 43. That the state treasurer is authorized to pay to the clerk of each house the amounts necessary to pay the pages thereof at the rate of one dollar per day each for the time the legislature is in session; and the sum of ten dollars is hereby appropriated to each of said pages, to be paid by the state treasurer in the same manner. Pages.

SECTION 44. That the state treasurer is hereby authorized and required to pay John A. Smull, for services rendered the House of Representatives, the same compensation now allowed by law to an assistant clerk. John A. Smull.

SECTION 45. That the state treasurer is hereby authorized and required to pay John R. Smith, post-master for the House of Representatives, for the session of one thousand eight hundred John R. Smith.

and fifty-eight, the same compensation as is now by law allowed to a transcribing clerk.

Clerks of legislature.

SECTION 46. That the clerks appointed according to the seventeenth section of the act approved May seventh, one thousand eight hundred and fifty-five, shall be allowed the same rate of compensation as is now allowed to the transcribing clerks, in proportion to the time they shall serve as such.

Wash women.

SECTION 47. That the state treasurer is hereby authorized and directed to pay the clerks of the Senate and House of Representatives such sums as may be necessary to pay the women employed by them for cleaning the halls of the two houses at the usual rate of compensation, and in addition thereto, the sum of ten dollars to each woman thus necessarily employed.

Northern home for friendless children.

SECTION 48. That the state treasurer is hereby authorized to pay to the trustees of the Northern Home for friendless children, five thousand dollars; and the president judges of the several courts of common pleas of the several counties of this commonwealth shall have the same powers in relation to said institution, as are now provided for in case of the judges of the supreme court and of the district courts of the city of Philadelphia, in the act incorporating the same.

Tonnage agents.

SECTION 49. For the payment of salaries of tonnage agents, in full to June first, one thousand eight hundred and fifty-eight, twelve hundred dollars.

Levi M'Cormick.

SECTION 50. That the state treasurer is hereby authorized to pay to Levi M'Cormick the sum of three hundred and forty dollars, for services rendered the legislature during the session of one thousand eight hundred and fifty-eight.

Regular officers of the Senate and House of Representatives, additional compensation.

SECTION 51. That the state treasurer is hereby authorized to pay the regular officers, elected under the provisions of the act of one thousand eight hundred and fifty-five, of the Senate and House of Representatives, except the speakers, the following additional compensation for services rendered during the present session: To the chief clerks, one hundred dollars; to the assistant clerks, each seventy-five dollars; to the bill, message, journal, comparing and transcribing clerks, each seventy-five dollars; to the sergeant-at-arms, messenger, door-keeper and post-master, and their assistants, fifty dollars: *Provided*, That the assistant messengers of the House, named by the principal at the first of the session, shall be included in the above.

Fire companies.

SECTION 52. That the state treasurer is hereby authorized and required to pay the sum of one hundred dollars to each of the fire companies of Harrisburg now organized and in operation.

Wm. P. Brady.

SECTION 53. To William P. Brady, the sum of seventy-five dollars, for filing the Legislative Record, and for services after the expiration of the session; and the pay of said Brady, as an officer of the Senate, shall be the same as that of a transcribing clerk, which shall be duly allowed, settled and paid.

George W. Hamersly.

SECTION 54. To George W. Hamersly, late clerk of the Senate, the sum of two hundred dollars, for services rendered the Senate at the present session, in addition to his compensation as a retiring officer at the beginning of the session; and there is hereby further appropriated to said Hamersly, the sum of two hundred and eighty-five dollars and ninety-five cents, it being the amount

due him on the final settlement of his account as clerk of the Senate, as appears by the certificate of the auditor general.

SECTION 55. To the Franklin Institute of the state of Penn-^{Franklin insti-}sylvania, for the promotion of the mechanic arts, the sum of ^{tute.} three hundred dollars, for continuing meteorological observations in the several counties of this commonwealth, according to the act of March twenty-first, one thousand eight hundred and thirty-seven.

SECTION 56. That a sum not exceeding one dollar for each ^{Directors or con-}board of directors or controllers in the state, be and the same is ^{trollers of public} hereby appropriated to enable the superintendent of common ^{schools.} schools to carry out the requirements of the ninth section of the supplement to the general school law, approved the eighth of May, one thousand eight hundred and fifty-five.

SECTION 57. To pay for a portrait of the present executive of ^{Portrait of gover-}the commonwealth, to be placed with the portraits of former ^{nor.} governors in the executive chamber, a sum not exceeding two hundred and fifty dollars, to be drawn upon the warrant of the governor.

SECTION 58. To pay for two clocks placed in the hall of the ^{Clocks} Senate and House, a sum not exceeding five hundred dollars, to be paid by the clerks, and the accounts thereof to be settled in the usual manner.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 410.

A FURTHER SUPPLEMENT

To the act relating to Limited Partnerships, approved twenty-first March, one thousand eight hundred and thirty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the terms of the partnership required to be published by the ninth section of the act to which this is a further supplement, shall consist of

I. The name of the firm under which such partnership shall be conducted.

^{Terms of partner-}ship required to ^{be published to} contain—

II. The general nature of the business intended to be transacted.

III. The names of the general partners, and their respective places of residence.

IV. The aggregate amount of capital contributed by the special partners to the common stock.

V. The period at which the partnership is to commence, and the period at which it will terminate.

Interest of partners, relative to sale or transfer.

SECTION 2. That the consent of the partners to a sale or transfer, by either the general or special partners, of their respective interests in the partnership, in pursuance of the resolution of the sixteenth of April, one thousand eight hundred and thirty-eight, may be given in advance, either in the original articles of partnership or other like instrument; and a sale or transfer of any part or share of the interest in the firm of any partner, if made in pursuance of the articles of co-partnership, or previously expressed consent of the partners as aforesaid, shall be equally valid as a sale of the whole interest of any one or more of the partners; and it shall further be lawful for the general partner or partners, or either of them, to purchase part or the whole of the interest or shares of one or more of the special partners.

Capital, increase of.

SECTION 3. That the capital of the firm may be increased either by taking in new special partners, or new subscriptions of capital from the partners previously in the firm; such increase being made in pursuance of the consent of the partners, as expressed in the original articles of partnership, or in any subsequent instrument of writing.

Increase to be certified and recorded.

SECTION 4. That every such increase of capital shall be duly acknowledged, certified and recorded; but no neglect in recording the certificate of any such increase of capital, or of any sale or transfer of the interests or shares of the special partners, or any of them, shall be construed to operate as a dissolution of the firm, or to make the special partners liable as general partners.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 411.

A FURTHER SUPPLEMENT

To the act incorporating the City of Philadelphia.

WHEREAS, The burden of taxation for the support of the government of the said city is now mainly borne by the owners of real estate therein, and it is just that the owners of personal property should contribute thereto; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the offices, depots, car houses and other real property of railroad corporations situated in said city, the superstructure of the road and water stations only excepted, are and hereafter shall be subject to taxation by ordinances for city purposes.*

SECTION 2. That the receiver of taxes of said city shall be charged by the city controller with the amount of the duplicates of each ward placed in his hands by the city commissioners for state and city taxes; and that in the month of January annually, the said receiver shall in books to be called "The Register of unpaid taxes on Real Estate," register all unpaid taxes, (except occupation taxes,) of the preceding year; and the said taxes are hereby declared to be a lien on all real estate in accordance with the provisions of the act of third February, one thousand eight hundred and twenty-four, entitled "An Act relating to taxes on certain real estate in the city and county of Philadelphia;" and the said receiver shall issue his warrants for the collection of said taxes as now provided for by law, and the said warrants and bills of taxes uncollected in the hands of said constables shall be returned by them to the receiver of taxes, in the month of January, every two years succeeding the year for which said taxes were levied, or sooner if the said receiver shall require the same; and the said receiver of taxes shall place in the hands of the city solicitor a list of all registered taxes unpaid in the month of January, every two years succeeding the year for which said taxes were levied and furnished to the said solicitor, bills for said taxes; and he shall enforce payment thereof by sale of the real estate upon which the said taxes are a lien, and the said solicitor shall pay to the said receiver all moneys collected by him for taxes by the sale of such real estate monthly, and the said receiver shall enter satisfaction therefor on the register books; the city controller shall immediately after the expiration of the term of office of the receiver of taxes, audit his accounts and make allowance for uncollected taxes, and all real estate sold by order of the orphans' court, if returned to and confirmed by the said court, shall be certified to the receiver of taxes by the prothonotary of said court, and all real estate sold by order of the court of common pleas or any other court, (except sold by the sheriff,) if returned to said court or courts, and confirmed by

Preamble.

Railroad corporations, description of property exempt from taxation.

Receiver of taxes to be charged with duplicates.

Certain unpaid taxes to be registered.

Unpaid taxes to be a lien on real estate.

Receiver to issue warrant for collection of.

Constable to make return of unpaid taxes, &c.

Receiver to place in the hands of city solicitor list of registered taxes unpaid, &c.

Duty of solicitor.

City controller, duty of.

Prothonotary of court of common pleas, duty of.

said court or courts, shall be certified to the receiver of taxes by the prothonotary of said courts.

Provisions of certain act extended to board of health and board of guardians of the poor.

Contracts of, how made binding.

Bond.

Warrants upon city treasurer, relative to.

Commissioners to give bond, &c.

Debts or contracts not binding unless authorized by councils.
Proviso.

Juries to assess road damages, in what manner to make report.

How damages to be assessed.

Commissioner of highways, when to open, vacate or widen roads or streets.

Proviso.

Proviso.

City controller, further duties of.

SECTION 3. That the provisions of the twentieth and twenty-first sections of the act of April twenty-one, one thousand eight hundred and fifty-five, entitled "A supplement to the act consolidating the city of Philadelphia," are hereby extended to the board of health and the board of guardians of the poor; no contract made by either of the said boards shall be binding upon the city, unless a warrant therefor shall be issued and countersigned in such manner, and by such officers as councils may by ordinance prescribe, and such officer shall give bond to the city of Philadelphia in such amount and with surety as shall be approved by councils, conditioned for the faithful performance of the duties imposed upon said officer by law or ordinance, and that he will not countersign any warrant upon the city treasurer, except such as may be authorized by law or ordinance, and within the appropriations made by councils.

SECTION 4. That the city commissioners of the said city, hereafter chosen, shall before entering upon the duties of their office, give bond in such amount and with such sureties as shall be approved by councils, for the faithful performance of the duties of the said office, and that no debt shall be contracted or warrant drawn against the city by said commissioners, except for purposes legally authorized and not to exceed the appropriation therefor made by councils.

SECTION 5. That no debt or contract hereafter incurred or made, shall be binding upon the city of Philadelphia unless authorized by law or ordinance, and an appropriation sufficient to pay the same be previously made by councils: *Provided*, That persons claiming unauthorized debts or contracts may recover against the person or persons illegally making the same.

SECTION 6. That it shall be the duty of juries selected to assess damages for the opening, widening or vacating roads or streets within the said city, to ascertain and report to the court; first, what damages the parties claiming the same are entitled to; and second, to assess and apportion the same among and against such owners of land as shall be benefitted by such opening, widening or vacating any such road or street; and when such report shall be affirmed by the court, upon notice to all such parties, and the damages paid or secured by the parties among and against whom it shall be so assessed and apportioned, the chief commissioner of highways shall proceed to open, widen or vacate such road or street accordingly: *Provided however*, That it shall be lawful for councils when in their judgment the public interest shall require it to provide for the payment of such damages out of the city treasury: *And further provided*, That two-thirds of the members of each branch of councils present at the passage of such ordinance consent thereto, and the yeas and nays on the passage thereof shall be entered on the journals.

SECTION 7. That it shall be the duty of the controller of said city, upon the death, resignation, removal or expiration of the term of office of officers and persons who by law or ordinance may be authorized to receive or pay city moneys, make contracts, or draw warrants on the treasury, to audit and examine

the accounts and official acts of each officer; and if such officer shall be found to be indebted or liable to said city, a copy of the report of the said controller shall be filed in the office of the court of common pleas of said city, and a writ of *scire facias* may be issued thereon; and the city councils shall have full power and authority to prescribe by ordinance, the mode and means by which the said controller shall exercise the duty hereby enjoined; and the officers and persons whose accounts and official acts shall be so audited and examined, and whenever the writ of *scire facias* herein authorized shall issue, it shall be lawful to file with the precept therefor, a copy of the official bonds of such defendant; and the writ of *scire facias* shall contain a clause warning the surety or sureties, or the executors or administrators of such surety or sureties, to appear and make defence, and the judgment in such proceedings may be entered against all the parties named in said writ.

To audit accounts.

Writ of *scire facias*, when to issue.

Sureties to be warned in clause of *scire facias*.

SECTION 8. That all laws requiring municipal corporations to enter bail, or to file affidavits of defence, and all laws inconsistent herewith, are hereby repealed.

Repeal.

SECTION 9. That municipal claims for taxes, liens, public assessment or charges, may be amended at any time before or at the trial, on notice given defendant under rule of court: *Provided*, That if made on the trial a continuance may be granted by the court on the application of the defendant.

Municipal claims may be amended before or at trial.

Proviso.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 412.

A SUPPLEMENT

To an act to provide for the Erection of a House for the Employment and Support of the Poor, for the county of Luzerne.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so much of the provisions of an act, entitled "An Act to provide for the erection of a house for the employment and support of the poor, for the county of Luzerne," approved fifteenth April, one thousand eight hundred and fifty-eight, as authorizes or requires the furnishing or payment from the county funds of

the county of Luzerne, any money for the purchasing of lands, erecting the buildings and furnishing the same, and maintaining the poor, or for any other purposes embraced in the said act, be and the same are hereby repealed; and that all the expenses for the purposes and objects in the said act named and required for carrying the same into effect, shall be levied upon and collected from the cities, boroughs, wards and townships accepting the provisions of the said act, in the same manner that other taxes are now by law levied and collected; and it is hereby expressly declared to be the true intent and meaning of the said act, that the cities, boroughs, wards and townships accepting the provisions of the same, shall be at all the expense for purchasing lands, erecting buildings and furnishing the same, supporting the poor, and generally for carrying into effect all the provisions of the said act; and that the county, the county treasury, nor the non-accepting cities, boroughs, wards or townships shall be authorized or required to contribute anything towards any of the expenses necessary for carrying out the several provisions of the said act; nor shall the commissioners of Luzerne county loan either the moneys of the county, or its credit, for the purposes contemplated therein.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JOHN CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 413.

AN ACT

Relative to Licenses on Vehicles in the cities of Pittsburg and Allegheny, and the boroughs thereto adjoining.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* it shall be the duty of the councils of the cities of Pittsburg and Allegheny, and of the boroughs of Manchester, Lawrenceville, Duquesne, Birmingham, East Birmingham, South Pittsburg, Monongahela and West Pittsburg, to confer together on or before the first Monday in November, Anno Domini one thousand eight hundred and fifty-eight, and enact, by a majority of those present, a joint ordinance, establishing the rates of license on all

Rates of license on carts, drays, wagons, &c., to be established by joint ordinance.

carts, drays, wagons, or other vehicles passing in or through either or all of said cities or boroughs; which said ordinance shall not be altered or repealed without the consent of all the parties thereto; and the said councils acting jointly as aforesaid, are hereby fully empowered, not only to enact such ordinance, but to collect the rates therein ordained from all persons, firms or corporations owning vehicles, that may use the streets of either or all of said cities or boroughs, whether the said persons, firms or corporations be resident or non-resident therein, under such penalties, not exceeding one hundred dollars in each instance, as they may see fit to prescribe in the ordinance herein provided for: *Provided*, That this section shall not be so construed as to authorize the collection of licenses from farmers bringing their produce to market, or from strangers or travelers passing through or driving in either of the said cities or boroughs; nor shall this act extend to and include non-residents bringing and delivering in either of the same cities or boroughs, lime, sand or building stone; and that any ordinance passed in pursuance thereof, shall be recorded and published as ordinances of the city of Pittsburg are required to be recorded and published.

Proviso.

SECTION 2. That the councils herein named shall appoint some one of the treasurers of the said municipalities to collect the licenses herein authorized, who shall keep a correct record of the names and residences of the persons, firms or corporations licensed, and the amount paid by each, and fifty per cent. of the sum so collected, shall be paid to the municipality in which the persons licensed shall reside; and in the case of a firm or corporation, to the municipality in which the firm or corporation so licensed shall transact its principal business; and all licenses paid by non-residents, shall go to the municipality in which the person, firm or corporation so non-resident shall transact his or its principal business, with the vehicle or vehicles for which he or it shall have paid license, and the remainder of said sums shall be divided among the several municipalities mentioned, in proportion to the amount of receipts of each for vehicle licenses, during the fiscal year of such municipality, ending in the year of our Lord one thousand eight hundred and fifty-seven, as reported to such collector, under oath, by the treasurer thereof: *Provided*, That in case any borough shall have been divided since that year, the borough newly created shall be paid from the half of the moneys arising from general licenses under this act, in proportion to the number of taxables therein to the whole number in the borough from which said new borough was taken; the amount so paid to be deducted from that otherwise payable to the borough from which such new board shall have been taken: *And provided further*, That said collector shall receive such commissions, to be deducted from the amounts received for licenses, before the payments herein provided are made, and such fees for issuing license, and for plates, as said councils may establish by ordinance.

Who to be collector and how appointed.

Amounts collected, how disposed of.

Proviso.

SECTION 3. That all licenses issued under this act, shall date from the first day of January of the year for which they are issued, and shall entitle the holder to pass free, for one year, through all the municipalities herein named, without being subject to further claim for license.

Date of licenses.

Repeal.

SECTION 4. That all acts or parts of acts of assembly supplied or altered by this act, are herewith repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 414.

A SUPPLEMENT

To an act authorizing Courts of Common Pleas to incorporate Scientific, Agricultural and other Associations, approved twentieth of February, Anno Domini one thousand eight hundred and fifty-four.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the act to which this a supplement, so far as powers are thereby given to the several courts of common pleas of this commonwealth to grant charters of incorporation and amend the same, shall be construed to extend to all cases where any number of persons, citizens of this commonwealth, are associated or mean to associate, on the mutual principle, for the purpose of insuring horses, cattle and other live stock, against loss by death from disease or accident, or from being stolen, and to water, hook and ladder companies; that all such charters heretofore granted by said courts, and all proceedings to obtain the same, now pending, shall be taken to be as valid and of the same force and effect as if the said charters were granted, or the said proceedings commenced after the passage of this act: *Provided*, That the provisions of this act shall only apply to the counties of Montgomery and Bucks.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JOHN CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 415.

A N A C T

To authorize the Canal Commissioners to examine the claim of J. S. Hughes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized and required to examine the claim of John S. Hughes, to pay for the erection of a bridge over the Erie extension of the Pennsylvania canal, and for damage done upon his land by said canal, and if they find him entitled by equity and justice to any further compensation, to report the amount so found, if any, to the legislature.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,
Speaker pro tem. of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 416.

A S U P P L E M E N T

To an act to incorporate the Philadelphia and Darby Railroad Company, approved April eighteenth, one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the proviso in the second section of an act to incorporate the Philadelphia and Darby railroad company, approved April eighteenth, one thousand eight hundred and fifty-seven, be and the same is hereby repealed. Proviso of certain act repealed.

SECTION 2. That the said Philadelphia and Darby railroad is hereby authorized, in constructing a passenger railroad, to lay the track or tracks upon the line of the Darby turnpike or plank When authorized to lay track or tracks.

Proviso.

road company: *Provided*, The consent of the stockholders of said company is first obtained.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JOHN CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred fifty-eight.

WM. F. PACKER.

No. 417.

A N A C T

For the Improvement of the Allegheny River.

WHEREAS, In consequence of the location of the piers of the bridge across the Allegheny river at Pittsburg, belonging to the Pittsburg, Fort Wayne and Chicago railroad company, said piers being erected within two hundred feet of those of the aqueduct, and not in line with the current of the river, thereby causing a great amount of loss and damage to lumbermen and others descending said river; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the said railroad company be required and compelled to build and maintain at least two stone walls or cribs within one year from and after the passage of this act, to extend from the second and third piers of the said railroad bridge, on the Allegheny city side of the river, to the second and third piers of the aqueduct on the same side of the river, and to be of sufficient height to keep the water from running over said walls or cribs at any time when said river may be navigated by ascending or descending craft; said walls or cribs to be not less than twelve feet above the level of the water at low water mark; and it is hereby declared that after such walls or cribs are erected, and during the period that said railroad company shall maintain the same in accordance with this act, it shall not be liable for damage to any raft, boat or other water craft, by reason of the same coming in contact with the piers, walls or cribs hereby required to be constructed.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 418.

A N A C T

To annul the Marriage Contract between John Diemer and Margaret Ann,
his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the marriage contract entered into between John Diemer and Margaret Ann, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from said contract as fully and effectually as if the same had never been joined in marriage.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 419.

A FURTHER SUPPLEMENT

To an act relative to the Inspection of Liquors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all domestic distilled spirits, for sale at the port of Philadelphia, whether for exportation or otherwise, shall be inspected and gauged by the duly appointed inspectors of domestic distilled spirits, or their deputies, in the manner now provided by law; and if any other person shall inspect such liquors, he or they shall for every such offence be liable to all the fines and penalties set forth in the eighteenth section of the act of the tenth of April, eighteen hundred and forty-nine, entitled "A supple-*

LAWS OF PENNSYLVANIA,

ment to an act, entitled 'An Act relative to the organization of the courts of justice.' "

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 420.

A N A C T

To consolidate the Susquehanna Boom Company and the Loyalsock Boom Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Susquehanna boom company and the Loyalsock boom company, in the county of Lycoming, be and they are hereby consolidated and erected into one company, by the name, style and title of the Susquehanna boom company, with all the rights, privileges and immunities, and subject to all the restrictions contained in the acts of assembly of the twenty-sixth day of March, one thousand eight hundred and forty-six, entitled "An Act to incorporate the Susquehanna boom company," and of the act of assembly of the eleventh of March, one thousand eight hundred and forty-eight, entitled "An Act authorizing the recording of certain powers of attorney executed by Joseph Harrison, junior, and his wife, and to incorporate the Loyalsock boom company."*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 421.

A N A C T

To authorize the Auditor General to re-examine and adjust the Accounts of Theo. Fenn and Company, late State Printers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the auditor general is hereby authorized and required to open and re-examine the accounts of Theophilus Fenn and company, late state printers, and re-settle the same according to law and the rules and precedents of the department, and in particular to examine, and if just and legal, allow an additional amount to that heretofore allowed for the item of binding and for indexing the Colonial Records; and the said auditor general shall draw his warrant on the state treasurer for any amount found due said Theophilus Fenn and company, upon such re-settlement.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 422.

A N A C T

To incorporate the Duncansville, Newry and Leamersville Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Joseph Higgins, William Vaughn, William Smith, Alexander Knox, Cornelius M'Connell, George Weaver and David M'Cormick, or any five of them, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style and title of the Duncansville, Newry and Leamersville turnpike road company, with power to construct a turnpike road, commencing at the Huntingdon, Cambria and Indiana turnpike road, in the town of Duncansville, in Blair county, and thence by the most practicable route, through the town of Newry, to the west end of the township bridge, across the south branch of the Juniata river, in the town of Lea-
Commissioners
Style and route

Subject to. mersville, subject to all the provisions and restrictions of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine, and with the several supplements thereto, so far as they are not inconsistent with each other, and the provisions of this act.

Capital. SECTION 2. That the capital stock of said company shall consist of two hundred shares at twenty-five dollars each : *Provided*, That the said company may from time to time, by a vote of the stockholders at a meeting called for the purpose, increase their capital stock, if it shall be deemed necessary to carry out the true intent and meaning of this act.

Tolls. SECTION 3. That whenever said company shall have finished two miles or more of said road, they shall have power to erect toll gates, agreeably to the conditions and restrictions of sections twelve and thirteen of an act approved the twenty-sixth day of January, one thousand eight hundred and forty-nine.

Commencement and completion. SECTION 4. That if said company shall not commence the construction of said turnpike road within two years, and complete the same within four years from and after the passage of this act, this act shall become null and void, except so far as may be necessary to settle up the affairs of the company.

May purchase certain turnpike road. SECTION 5. That the said company shall have authority to purchase, or to take in payment of subscriptions to the capital stock of said company, that portion of the Hollidaysburg and Bedford turnpike road, which lies within the county of Blair, at such price, and on such terms as may be agreed upon between the said Duncansville, Newry and Leamersville turnpike road company, and the owner or owners of the said Hollidaysburg and Bedford turnpike road, and to use the bed of the said Hollidaysburg and Bedford turnpike road in the construction of the said Duncansville, Newry and Leamersville turnpike road.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 423.

AN ACT

Relative to the Distribution of the Final Report of the Geological Survey of the State.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the secretary of the commonwealth be and he is hereby authorized and directed to furnish to the governor, secretary and deputy secretary of the commonwealth, auditor general, surveyor general and state treasurer, the members, chief and assistant clerks of the Senate and House of Representatives of the present session of the legislature; also, to the British government, to the Canadian government, and to each college in this state, full and complete copies, as the same may be issued, of the publications of the geological report, and the maps accompanying the same, as authorized by the act of one thousand eight hundred and fifty-one, and subsequent acts: *Provided*, That no member or clerk shall receive more than one copy thereof in pursuance of this or any previous act of the legislature.

Secretary of the Commonwealth, who to furnish report to.

SECTION 2. That the copies of said work to be furnished to public libraries, under the act of third May, one thousand eight hundred and fifty-five, shall be furnished only to libraries containing not less than three thousand volumes.

SECTION 3. That the secretary of the commonwealth is hereby directed to present to the state librarian, to be placed in the state library, three copies of the said geological report; and if any numbers of said report shall remain unappropriated, the secretary of the commonwealth shall take charge of the same for safe keeping, to be subject to the action of the legislature.

Three copies to be placed in State Library.

SECTION 4. *And it is further enacted*, That one copy of the geological report, and of the accompanying maps, should be presented to each one of the ex-governors of the state not now entitled to receive the same, and one copy, with the accompanying maps, to Mrs. Shunk, widow of F. R. Shunk, deceased; and also, that one copy of the same with the maps pertaining thereto, should be given to the following named persons, to wit: John P. Frazer, James C. Booth, F. J. Haldeman, Alexander M'Kinley, C. B. Trego, James O. Whepley, R. E. Rogers, H. B. Hall, James J. Hodge, R. M. Jackson, W. H. Henderson, P. W. Shaffer, V. Ward, W. H. Boyd, J. P. Lesley, John C. M'Kinney, Professor E. Dresco, W. B. Rogers, Leo Leesquereaux, P. Daly, H. W. Pool, Edward Haldeman, H. D. Rogers and James Clarkson, assistants of Professor Rogers in making the geological survey.

Ex-Governors and Mrs. Shunk to be furnished with copies.

Assistants of Professor Rogers each one copy.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 424.

A SUPPLEMENT

To the seventy-second Section of the Act of sixteenth June, Anno Domini one thousand eight hundred and thirty-six, relating to Executions against Corporations.

Jury to be summoned to ascertain the amount of rents, issues and profits.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* where a bridge company shall be the defendant in any judgment, in any court of this commonwealth, it shall be lawful for the plaintiff in any such judgment, to require of the sheriff to summon an inquest for the purpose of ascertaining whether the rents, issues, profits and tolls of such bridge company, beyond all reprises, will be sufficient to satisfy within seven years the judgments against said bridge company, with the interest and costs of suit thereon; of which inquisition so taken he shall make return in due form of law, to the court, with the writ, and of the holding of which inquisition the sheriff shall give the plaintiff and defendant at least five days' notice.

When writ of venditioni exponas may issue

SECTION 2. That if the inquest shall find that the clear profits of such bridge company will not be sufficient to satisfy, within seven years, the judgments against it, the plaintiff in such writ may have a writ of *venditioni exponas*, to sell such bridge, by giving the notices required in cases of sales of real estate, which sale shall vest in the purchaser all the stock issued by, or owned in said company, as if such purchaser had been an original subscriber to the stock thereof, so that he shall own all the stock thereof, free and discharged from any lien or incumbrance whatever.

Purchaser, duty of.

SECTION 3. That it shall be the duty, and it is hereby enjoined and declared, that the purchaser or purchasers at any sale or sales provided for as aforesaid, to keep up and maintain in good order and repair the said bridge and its appurtenances, for general use and the convenience and passage of all citizens, as is provided for, and upon the terms mentioned and enacted in the charter and other laws of this commonwealth; and upon omission, neglect or refusal to fulfill the provisions of this section, the said bridge and all its rights and appurtenances shall be restored to, and re-invested in the stockholders, who shall hold the same as if no such sale or transfer had been made.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 425.

A N A C T

To incorporate the Central Passenger Railway Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Francis M. Drexel, Thomas Hart, Ward B. Haseltine, William B. Hart, Samuel Bradford, Alexander Biddle, William Craig, Alfred Stille, Samuel J. Reeves, Joseph W. Ryerss, Benjamin H. Brewster, Frederick Brown, L. J. Levy, Townsend Sharpless, G. G. Presbury, Samuel Simes, James S. Earle, A. G. Howard, Charles Oakford, A. F. Glass, William Parvin, Jr., James D. Brown, Joseph W. Harrison, Ellis Lewis, David Lapsley, William D. Lewis, John Anspach, Jr., Charles Leland, Franklin A. Comly, Joseph H. Trotter, William L. Maddock, Robert W. Cushman, E. S. Jones, Pliny Fisk and William Duane, be commissioners to open books and receive subscriptions pursuant to the provisions of the first section of the act of February nineteenth, one thousand eight hundred and forty-nine, entitled "An Act regulating railroad companies," to organize a company by the name of the Central Passenger railway company, with authority to build a city passenger iron tram railway with single track through Walnut and Chesnut streets, in the city of Philadelphia, and to unite the same on Second and Twenty-third streets: *Provided*, That the said company shall never obstruct the free use of said streets by permitting freight or burden cars, or any other than their passenger cars to pass over the same or any portion thereof: *And provided further*, That the said company shall be subject to the provisions of the tenth section of the act of April twenty-first, one thousand eight hundred and fifty-five, requiring the submission of their plans and surveys to the board of city surveyors: *And provided further*, That the said company shall annually pay into the treasury of the city of Philadelphia the sum of fifty dollars for every car regularly run upon said railway, and shall also keep the streets through which the said railway passes, so far as the said railway shall run along said streets, in perpetual good repair at the proper expense of said company: *Provided*, That before this act shall take effect, the constituted authorities of the city of Philadelphia shall declare by ordinance their consent to the construction of said railroad on the streets indicated.

Commissioners

Subject to.

Style.

Route.

Burthen cars prohibited.

Board of city surveyors, plans and surveys to be submitted to.

Amount to be paid into the city treasury on each car.

Consent of city councils to be obtained.

SECTION 2. That pursuant to the fourth section of the said act of February nineteenth, one thousand eight hundred and forty-nine, the stockholders shall choose a president and six directors, a majority of whom shall constitute a quorum, who shall have the sole right of conducting the affairs of said company, constructing said tram railway, conveying passengers thereon, and of leasing the same if they so elect: *Provided*, That for any dis-

Officers.

Quorum.

Proviso

tance between the termini of said railway the charge for each passenger shall not exceed five cents.

Capital stock.

SECTION 3. That the capital stock of said company shall consist of four thousand shares, which the stockholders, if they find it expedient, may increase from time to time at any annual or special meeting, upon a vote of two-thirds of all the shares; and that the president and directors shall have power to borrow, upon bonds or other evidences of indebtedness, at such prices and rates of interest as they may deem advisable, not exceeding seven per centum per annum, such sums as shall be requisite for the construction and completion of the said tram railway and the necessary depots and structures, and for the equipment, administration, use and maintenance of the same: *Provided*, That said company shall be subject in all respects to the several provisions of the general acts regulating railroad companies, of February nineteenth, one thousand eight hundred and forty nine, not inconsistent with this enactment.

May borrow money.

Subject to.

Purchase of omnibuses, &c.

SECTION 4. That the said Central Passenger railway company, before commencing to run their cars upon the said streets, shall, at the option of the owners of the lines of omnibuses licensed to run to West Philadelphia, by the way of Chesnut street, also, the line of omnibuses licensed to run on Walnut street, purchase the horses, omnibuses, sleighs and harness of the said lines, at a price to be assessed in the following manner: The said owners shall choose one disinterested person, and the said company shall choose a second, and the persons thus chosen shall choose a third person, and the valuation set by these persons shall be final and conclusive.

Subject to the use by any other passenger railway.

SECTION 5. The said railway shall be subject to the use of any part or parts thereof by any other passenger railway company, for the purpose of completing a route, or making a circuit, upon such terms and conditions as may be agreed upon by such other company and the said Central Passenger railway company, and in case the said companies cannot agree, then upon such terms and conditions as may be prescribed by the councils of the city of Philadelphia; and the West Philadelphia Passenger railway company is hereby authorized to connect their road with that of the Central Passenger railway company, by single track, on Twenty-third and Twenty-second streets: *And provided further*, That the said company shall be subject to the provisions of an ordinance of the city councils of Philadelphia, in reference to passenger railways, approved seventh July, one thousand eight hundred and fifty-seven.

Terms to be prescribed by city councils.

Proviso.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 426.

A FURTHER SUPPLEMENT

To an act to incorporate the Kensington Gas Company, passed April fourth, one thousand eight hundred and forty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That should the city of Philadelphia fail to purchase the property of the Kensington gas company by November, eighteen hundred and fifty-nine, then the charter of said Kensington gas company shall continue until November, eighteen hundred and sixty-five, with all the privileges now enjoyed by said company: *Provided,* That in the renewal of said charter, as provided for in this act, it shall not be construed to deprive the said city of the privilege of purchasing said works, or any other right in the act of incorporation under which said company now transact business.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 427.

AN ACT

To vest in Mrs. Mary Kannowski, late Mary Bader, the claim, interest, right and title of the Commonwealth of Pennsylvania in and to a certain legacy given to Israel Bader, deceased, (who died without heirs or next of kin,) in and by the will of Henry Transue, deceased, late of the township of Saucon, in the county of Northampton, in said Commonwealth.

WHEREAS, Henry Transue, late of the township of Saucon, in the county of Northampton, and commonwealth of Pennsylvania, in and by his last will and testament, bearing date the day of _____, in the year of our Lord one thousand eight hundred and thirty-seven, and duly admitted to probate by the register, et cetera, of the said county, did give and bequeath unto Israel Bader, illegitimate son of Mary Bader, the sum of five hundred dollars:

And whereas, The said Israel, after the death of the said Henry, to wit:—on or about the day of , in the year of our Lord one thousand eight hundred and forty-nine, died unmarried and without issue :

And whereas, The said Mary Bader, (now intermarried with one Kannowski,) did, on the twenty-sixth day of December, in the year of our Lord one thousand eight hundred and fifty-three, give notice to the auditor general of the said commonwealth, that the said legacy had escheated to the said commonwealth; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all the claim, interest, estate, right and title of the commonwealth of Pennsylvania in and to the said legacy, be and the same are hereby released, assigned, transferred and set over to the said Mrs. Mary Kannowski, her executors, administrators and assigns forever; and that the said Mary Kannowski, her executors, administrators and assigns, be and the same are hereby authorized to demand, receive, collect, sue for and recover the principal of the said legacy, without interest, of and from the executors, et cetera, of the said Henry Transue, deceased, and to receipt, discharge and release for the same; the said Mary Kannowski being hereby substituted as legatee, in the room and stead of the said Israel: *Provided,* That nothing herein contained shall be so construed as to interfere with the rights of any lawful heirs or representatives of the said Israel, if any such there be: *And provided further,* That the said Mary Kannowski shall pay all costs legally made and incurred by the filing of the said notice of escheat in the office of the auditor general.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 428.

A N A C T

Relative to the Removal of the Transfer of Stock Books of Loans, now in the Bank of Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

the auditor general be and he is hereby authorized and required to cause to be removed to the Farmers' and Mechanics' Bank of Philadelphia, all the books now in possession of the Bank of Pennsylvania, by virtue of a resolution passed on the fourteenth day of April, Anno Domini one thousand eight hundred and thirty-five; and that the Farmers' and Mechanics' Bank be authorized and empowered to perform all the acts and duties as directed by said resolution to be done by the said Bank of Pennsylvania, relative to the several loans of this commonwealth, and be subject to the same liabilities and restrictions; in consideration of which services the said bank shall be entitled to an annual abatement of six thousand dollars from the taxes to which the said bank shall be liable: *Provided*, That the state may at any time discontinue the agency of said bank in keeping the transfer books of the public loans, and in such an event the compensation herein provided for shall cease and determine.

Auditor General.
duty of.

Provided

SECTION 2. That the auditor general and state treasurer are hereby authorized to settle the account of J. L. Fennimore, for services rendered and expenses incurred in transacting the business of the commonwealth with reference to her public loans, since the seventeenth day of February, Anno Domini one thousand eight hundred and fifty-eight, the day of the assignment of the Bank of Pennsylvania, and the state treasurer is hereby authorized to pay the amount found due the said J. L. Fennimore, out of any money in the treasury not otherwise appropriated.

Auditor General
and State Treasurer
authorized
to settle account
of J. L. Fennimore.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER

No. 429.

AN ACT

To authorize the Service of Process in case of Non-residents doing business in this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That when any person or persons not being residents of this commonwealth, shall engage in business in any county of this common-*

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wealth, it shall and may be lawful for the officer charged with the execution of any writ or process issued out of any of the courts of this commonwealth, to serve the same upon any clerk or agent of such person or persons, at the usual place of business or residence of such agent or clerk, with like effect as though such writ or process was served personally upon the principal.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 430.

A N A C T

To declare Wollis's Run, in the county of Lycoming, a Public Highway.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Wollis's run, in the county of Lycoming, be and the same is hereby declared a public highway.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 431.

SUPPLEMENT

To an act to incorporate the United States Guano Company, approved the nineteenth day of April, one thousand eight hundred and fifty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the said United States guano company shall have power to issue one thousand shares of stock, in addition to that which the said company already has power to issue; such new stock to be called preferred stock, and to be issued upon certificates of one hundred dollars per share; which said preferred stock shall entitle said holder to payment of ten per cent. per annum dividend out of the net profits of the said company, before any dividend shall be paid upon the common stock thereof: Provided, That this supplement shall be accepted by the owners of at least two-thirds of the common stock of such company.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 432.

AN ACT

Relating to Roads and Highways in the county of Venango.

WHEREAS, The remedy given by the twelfth section of the act, entitled "An Act relating to roads, highways and bridges, in the counties of Warren, Venango and M'Kean, and for other purposes," approved the ninth of April, one thousand eight hundred and forty-four, to persons aggrieved by any new road being laid out or altered, is in many cases inadequate; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

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hereafter whenever any road shall be opened in the county of Venango, or altered, any person aggrieved by such opening or alteration, instead of proceeding to have his, her or their damages assessed under the said act of one thousand eight hundred and forty-four, may at his, her or their option apply by petition to the court of quarter sessions of said county, and have the damages ascertained and paid, according to the provisions of the general road laws of this commonwealth, in the same manner as if the said act of one thousand eight hundred and forty-four had never been passed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 433.

A N A C T

Authorizing the Canal Commissioners to examine the Claim of Isaac Beidelspach for Damages.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the canal commissioners be and they are hereby authorized and required to examine the claim of Isaac Beidelspach, for damages done his farm by reason of the construction of the West Branch of the Pennsylvania canal, and if they find him entitled in equity and justice to damages, to report the amount so found to the Senate and House of Representatives.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 434.

SUPPLEMENT

To an act, entitled "An Act authorizing the Canal Commissioners to examine the Claims of Daniel A. Bardwell," approved the seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so soon as the canal commissioners have made a personal examination of the said claim of Daniel A. Bardwell, and ascertain the amount of damages to which he is entitled, they shall certify the same to the auditor general and state treasurer, and that the amount so reported shall be paid by the state treasurer out of any money in the treasury not otherwise appropriated.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 435.

AN ACT

•Relating to the Commissioners of Franklin county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the commissioners of Franklin county, who are about to commence repairing the jail of said county, shall have power and authority to enter into arrangements with the commissioners of Cumberland county for keeping the prisoners in the jail of said county of Franklin, or that may hereafter be committed to said

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jail, in the jail of said county of Cumberland, during the time the repairs are being made.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 436.

AN ACT

For the Relief of John Walters.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer is hereby directed to pay to John Walters, now of the county of Franklin, the sum of thirty dollars, for damages sustained on the Gettysburg railroad, that sum being the amount awarded to said John Walters, on the second of November, eighteen hundred and forty-three, but never by him drawn from the treasury.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 437.

SUPPLEMENT

To an act approved the fourteenth day of April, one thousand eight hundred and forty-six, entitled "An Act laying a Tax on Dogs in the borough of West Chester, and certain townships in the county of Chester, and for other purposes."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of the act to which this is a supplement, so far as the same relates to the taxing of dogs in the borough of West Chester, and certain townships in the county of Chester, be and the same are hereby extended to the township of Penn, in said county of Chester.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 438.

A SUPPLEMENT

To an act to incorporate the Waynesburg College, in Greene county, approved the twenty-fifth of March, one thousand eight hundred and fifty.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That in case the stockholders of the Waynesburg college, in Greene county, shall in any year fail to elect their proportion of the trustees on the first Monday of April, as provided for in the act of incorporation, it shall be lawful for them to elect such trustees at any time after the first Monday of April in any year: *Provided,* That such election shall take place at least thirty days before the time fixed by the act for the election of trustees by

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the Pennsylvania Presbytery of the Cumberland Presbyterian church.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 439.

A SUPPLEMENT

To an act approved the eleventh day of March, one thousand eight hundred and fifty-three, authorizing the Shrewsbury and Hopewell Plank Road Company of York County, to repeal a portion of said law, and authorizing the sale of said road.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Provisions of certain act repealed

so much of the act incorporating the Shrewsbury and Hopewell plank road company, in the county of York, approved the eleventh day of March, Anno Domini one thousand eight hundred and fifty-three, as requires said company to construct said road through the borough of Mechanicsburg to the Hopewell mills, be and the same is hereby repealed.

Road authorized to be sold.

SECTION 2. That the president, managers and directors of said company are hereby authorized to sell said plank road already constructed, and all toll houses and lands owned and occupied by said company, either by public or private sale, to the best and highest bidder, and upon such terms as shall be approved by a majority of the stockholders, at a meeting called for that purpose.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 440.

A N A C T

To compensate Henry M'Quiggen, for injuries received while in the Service of the Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer is hereby authorized and directed to pay out of any moneys in the treasury not otherwise appropriated, to Henry M'Quiggen, the sum of five hundred dollars, in compensation for the loss of his right arm by being run over by a locomotive on the Philadelphia and Columbia railroad, he being at that time in the employment of the commonwealth, and he being at this time unable to perform any labor in consequence thereof.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 441.

A N A C T

Authorizing the Canal Commissioners to examine the claim of Walters, Slifer and Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the canal commissioners be and they are hereby authorized to examine the claim of Walters, Slifer and company, for the purchase of two locomotive engines on the Allegheny Portage railroad, and report the amount, if any due them, to the legislature.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 442.

SUPPLEMENT

To an act to incorporate the American Academy of Music, approved March twenty-fourth, one thousand eight hundred and fifty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the holders or owners of the common stock of the American Academy of Music shall pay on or before the first Monday in June next, and annually thereafter, to the treasurer of the said academy, one dollar on each share held respectively, for the purpose of effecting insurance against fire on the property of said corporation; and the board of directors of said academy shall be and are hereby fully authorized and empowered to prohibit the transfer of stock or issue of free tickets of admission, until such amounts shall have been paid respectively: *Provided,* That this act shall not go into effect until approved by a majority of stockholders in number and value, at a special meeting, of which the directors shall cause to be given at least ten days' notice in two daily newspapers of the city of Philadelphia.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 443.

AN ACT

Authorizing Savings Institutions, Insurance and Trust Companies and Loan Associations to make investments in Ground Rents.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That all insurance and trust companies, saving funds and building associations incorporated under, or by any law of this commonwealth, are authorized to purchase, hold, sell and convey ground

rents; and all conveyances of ground rents heretofore made by or to any such corporation, shall be good and effectual, and have the same force and effect as if the same had been made subsequent to the passage of this act.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 444.

A N A C T

Relating to Illegitimate Children.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the act, entitled "An Act to legitimate children born out of lawful wedlock," passed the fourteenth day of May, one thousand eight hundred and fifty-seven, shall be taken to apply to all cases within the terms of that act prior to its date, as well as those subsequent thereto: Provided, That no estate already vested, shall be divested by this act.*

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 445.

AN ACT

For the Sale of the State Canals.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Canals to be sold to Sunbury and Erie railroad company.

Price of. Proviso.

Amount of bonds to be issued by Sunbury and Erie railroad company.

Secured by mortgage and delivered to trustees.

Where recorded.

Where deposited.

State Treasurer, what amount to receive as purchase money.

Proviso.

it shall be the duty of the governor within thirty days after the passage of this act, to sell and deliver to the Sunbury and Erie railroad company, provided the said company shall agree to purchase the same, all the public works of the commonwealth now remaining unsold, consisting of the Delaware division, the Lower North Branch division, the Upper North Branch division, the West Branch division, and the Susquehanna division of the Pennsylvania canal, with all the property thereto belonging, or in anywise appertaining, and all the estate, right, title and interest of this commonwealth therein, for the price or sum of three millions five hundred thousand dollars, on the terms and conditions hereinafter expressed : *Provided*, That the Upper and Lower North Branch division of the canals embraced in this bill, shall not be bargained, leased or sold by the Sunbury and Erie railroad company, to any other than citizens resident in the vicinity of the same, or corporations or persons who may now be the owners of real estate in the same vicinity.

*SECTION 2. That the Sunbury and Erie railroad company shall execute and issue their bonds for seven millions of dollars, bearing interest at the rate of five per centum per annum, payable semi-annually on the thirty-first days of January and July in each year ; of which said bonds, one million of dollars shall be due and payable in the year one thousand eight hundred and seventy-two, and one million of dollars in each of the six succeeding years, and shall not be subject to taxation ; and the payment of said bonds shall be secured by a mortgage, to be executed and delivered by the said company to two or more trustees, of the whole line of their railroad finished and unfinished, from Sunbury to the harbor of Erie, including all their real estate, together with the rights, privileges and franchises of the said company, which said mortgage shall be recorded in the office for the recording of deeds for the city and county of Philadelphia, and deposited for safe keeping in the office of the state treasurer, and shall be a lien on all the mortgaged property, without further record ; and the state treasurer shall receive from the said company three millions five hundred thousand dollars of the said bonds, in settlement for the purchase money of the said canals and property, and the residue thereof shall be reserved and deposited in the office of the state treasurer, to be surrendered to the said company, for the purposes, at the times, and on the conditions hereinafter expressed : *Provided*, That no money which may come into the possession of the Sunbury and Erie railroad company, as the proceeds of the sale of the within*

mentioned canals, shall be appropriated to the payment of the debts due to contractors or other parties, for work done or materials furnished previous to the passage of this act: *Provided*, Provido.

That as soon as the Sunbury and Erie railroad shall be so far constructed as to be in running order or open for business, with a single track as far as Ridgway, in Elk county, it shall be the duty of the Sunbury and Erie railroad company, and they are hereby authorized and required to subscribe for stock in the Allegheny Valley railroad company to the amount of half a million of dollars, to be paid for in the bonds of said company, to be issued over and above the seven millions for the payment of the public works and the completion of the Sunbury and Erie railroad, and when issued shall be deposited in the office of the state treasurer, and which said bonds shall each bear interest at the rate of five per cent. per annum, payable half yearly, shall not be subject to taxation, and shall be payable, the one-tenth in one year, and one-tenth annually thereafter, from the date of their delivery, which date shall be written upon each bond at the time of their delivery; and the said bonds shall be delivered to the said Allegheny Valley railroad company by the governor, whenever three competent and disinterested civil engineers shall certify to him, that inclusive of the said bonds, the said last named company have an amount of means sufficient to construct their said railroad from the mouth of Mahoning, in Armstrong county, to or near the town of Brookville, in Jefferson county, in a direction and with a view to connect with the Sunbury and Erie railroad, at or near Ridgway, or at or near Winslow, in the county of Elk; the said half million of dollars to be applied strictly and exclusively to the work of construction of the said Allegheny Valley railroad; and further, the said Sunbury and Erie railroad company shall in no case, in charges or duties, or in any other way, discriminate against the Allegheny Valley railroad company, in the transportation of freight or passengers over their road, from the point of connection of the said two roads to any other point on the Sunbury and Erie railroad; and if the said Sunbury and Erie railroad company shall at any time hereafter deem it expedient to the interests of that company, and promotive of public utility, they shall have power, and are hereby authorized to subscribe for an additional amount of stock in the Allegheny Valley railroad company, and provide for the payment thereof in money, or by the issue of bonds, as may be judged most advisable by the said Sunbury and Erie railroad company.

Sunbury and Erie railroad company to subscribe to stock of Allegheny Valley railroad, &c

SECTION 3. That as additional security for the payment of the purchase money of the said property, the Sunbury and Erie railroad company shall execute and deliver to the state treasurer a mortgage on the Delaware division of said canal, for one million of dollars; a mortgage on the Susquehanna and West Branch divisions for half a million of dollars, and a mortgage on the Lower and Upper North Branch divisions for half a million of dollars, conditioned for the payment of an equal amount of the said purchase money bonds at the maturity thereof; which said mortgages shall be deposited in the office of the state treasurer, and shall be without record, the first liens on the property therein described; and if the Sunbury and Erie railroad com-

Mortgages on the different lines of canals to be executed and delivered to State Treasurer, &c

To be first liens.

Sale of canals by Sunbury and Erie railroad company, relative to.

No sale or transfer to be made without consent of the Governor.

Certain per cent. of excess on sale to go to the Commonwealth.

Proviso.

Transfer and delivery by the Governor.

pany shall at any time sell the said canals, or either of them, the mortgage or mortgages on the canal or canals so sold shall be cancelled by the state treasurer and surrendered to the said company by the governor, on deposit made by the said company in the office of the state treasurer of an equal amount of the bonds of their grantees, secured by mortgage of the canal or canals sold as aforesaid; and when the said company shall have progressed with the work on the line of their road so far as to have that part thereof, which extends from Williamsport to the mouth of the Sinnemahoning, ready for the superstructure, and satisfactory evidence is produced to the governor that there is secured, on available subscriptions to the stock of the company, to be collected and applied in the progress of the work, one million of dollars in addition to the amount now paid in, the governor shall surrender to the said company, one-half of the amount of said additional security; and when the western end of the said road, extending from the harbor of Erie to the borough of Warren, shall be ready for the superstructure, the governor shall then surrender to the said company the remaining half of said additional security, to be employed by them, first in the completion of the said divisions of the said work, and then as to the surplus in the construction of other parts thereof, which progress in the work shall be ascertained and determined by three disinterested persons appointed by the governor for that purpose, at least one of whom shall be a skilful and experienced civil engineer: *Provided*, That no such sale or transfer shall be made by the Sunbury and Erie railroad company without the written consent and approval of the governor, to be filed in the office of the secretary of the commonwealth, being first had and obtained; and no cancellation or surrender of the bonds or mortgages of the Sunbury and Erie railroad company shall be made, and no acceptance of the bonds or mortgages of their grantee or grantees shall be received in lieu thereof by the state treasurer, until the governor shall be satisfied that the new securities to be given are sufficient to protect the interest of the commonwealth, and the written approval of the exchange of securities shall be filed in the office of the state treasurer: *Provided*, That if the Sunbury and Erie railroad company shall sell said canals for a greater sum in the aggregate than three and a half millions of dollars, seventy-five per centum of said excess shall be paid to the commonwealth by a transfer of so much of the bonds and securities, as said railroad company shall receive for the same and payable in like manner: *And provided further*, That the president of said Sunbury and Erie railroad company shall make return to the governor under oath, of such sale or sales and the terms and conditions thereof as the same may be made.

SECTION 4. That on the delivery of the said bonds and mortgages to the state treasurer, for the purposes mentioned in the second and third sections of this act, the governor shall, under the great seal of the commonwealth, transfer and deliver to the Sunbury and Erie railroad company, their successors and assigns forever, all of the said works mentioned in the first section of this act, with the appurtenances, and all the right, title and interest, property, claim and demand whatsoever of the

commonwealth of Pennsylvania, of, in and to the same, and every part thereof; and the governor shall thereupon give notice, by proclamation, of the said sale and delivery; but all superintendents, toll collectors, officers and agents of the commonwealth, employees on or about the said canals and property, shall continue, nevertheless, to discharge the duties of their respective offices, at the expense of the said purchasers, until removed or re-appointed by them; and the official bonds of said officers and agents shall enure to the use of said purchasers as to all moneys received and acts done by them subsequent to the date of the said transfer and proclamation.

Notice of, to be given by proclamation.

SECTION 5. That the said company, their successors and assigns, shall hold, possess, use and enjoy the said property, free and discharged from all incumbrance, except as provided in this act, with the same rights, privileges and franchises respecting the management, maintenance, improvement and enjoyment of the same, and to enter into and upon the river Delaware, as have heretofore been granted to the Lehigh coal and navigation company of this state, for the construction, management, maintenance, improvement and enjoyment of the canal navigation and property owned by them; and the said Sunbury and Erie railroad company shall have authority to grant, sell and convey, or to lease for a term of years, the whole or any part of the said property to any corporation of this state or to any association of individuals; and their grantees shall hold and enjoy the same, together with all the rights, privileges and franchises granted by this act to the Sunbury and Erie railroad company, and under such corporate name as the said grantees may adopt; and the said grantees are hereby authorized to issue their bonds for purchase money, to be secured by mortgage of the property granted and sold to them as aforesaid; and the Sunbury and Erie railroad company, or their assigns, immediately after taking possession of the said canals, shall be bound to keep up the same, including public and private bridges crossing the said canals, as heretofore done by the canal commissioners, in as good repair and operating condition as they now are; and they shall be and remain public highways forever, for the use and enjoyment of all persons desiring to use the same, subject to such rules and regulations as the owners thereof may from time to time establish; but the tolls on said canals shall not exceed the rates fixed by the toll sheet published by the canal commissioners for the year one thousand eight hundred and fifty-six: *Provided*, That the said Sunbury and Erie railroad company, and its several vendees and assigns who shall take the said public works under the provisions of this act, shall take and hold the same and their appurtenances, subject to all contracts and arrangements heretofore made by act of assembly or otherwise, for and in respect to the use and enjoyment of said works and their appurtenances; and shall carry out the same with all persons interested therein, in the same manner as the commonwealth or its agents are now required to do by law.

In what manner to possess and enjoy the property purchased, &c.

May grant, sell or lease, &c.

Grantees, rights and privileges of.

Canals to be kept in good repair and operating condition.

To remain public highways forever

Proviso.

Engineers appointed and duties of.

SECTION 6. That on or before the completion of the two divisions of the said road mentioned in the third section of this act, the governor shall appoint three competent engineers, the expenses of whom shall be paid by the Sunbury and Erie railroad

When reserved bonds to be delivered to Sunbury and Erie railroad company

How to be endorsed by the Governor.

Endorsement not to create liability by the State.

Duty of Attorney General upon failure to pay principal or interest.

Supreme Court to issue writs.

Sale of mortgaged premises, &c.

Proceeds of sale to be paid into sinking fund.

company, one of whom shall be the chief engineer of the said company, to ascertain and report to him the probable cost of completing the unfinished portion of the said road with a single track, of rails weighing not less than fifty pounds to the yard, properly ballasted, with the necessary turn-outs and water stations, so as to form an uninterrupted line of railroad from Sunbury to the harbor of Erie; and whenever the means of the company, including the three millions five hundred thousand dollars of reserved bonds deposited in the office of the state treasurer, in pursuance of the second section of this act, shall be sufficient, in the opinion of the governor and the said engineers, to complete said railroad as aforesaid, the governor shall deliver to the said company one million of dollars of said reserved bonds forthwith, and the remaining two and one-half millions thereof he shall deliver to the said company, from time to time, *parri passu* with the progress of the work, as ascertained by the returns and estimates of the chief engineer of the said company; and before delivering any of the said bonds to the company, there shall be endorsed thereon, over the signature of the governor, the words, "First mortgage bonds issued under the act, entitled 'An Act for the sale of the State canals;'" and no bonds issued by the company, except those owned and held by the state, shall be considered valid and entitled to the security of the said mortgage, without the endorsement of the governor as aforesaid: *Provided*, That the said endorsement by the governor shall not be construed to create any liability whatsoever on the part of the commonwealth to the holder or endorsers of said bonds; and that if the Sunbury and Erie railroad company shall fail to pay the principal or interest of any of the said bonds for ninety days after the same shall become due and payable, it shall be the duty of the attorney general to sue out the said mortgage, and also any mortgage or mortgages on the said canals which may remain uncanceled, by writs of *scire facias*, to be issued out of the supreme court of this commonwealth, of which notice shall be given by advertisements for thirty days, in one or more daily newspapers published in the cities of Philadelphia and New York, and to sell the mortgaged premises, together with the rights and franchises of said company appertaining thereto, by execution, to be directed to the secretary of the commonwealth; and on the return of the said execution, and the confirmation of the sale by the said court, the secretary of the commonwealth shall, by deed or deeds reciting the said proceedings, executed under the great seal of the commonwealth, grant and convey the property and estate so sold to the purchasers thereof, who shall have, hold and enjoy the same, free and discharged from all incumbrances, with all the rights and privileges granted by this act, and heretofore granted to the Sunbury and Erie railroad company, so far as the same may be applicable thereto; and the said deed or deeds shall be acknowledged in open court as in other cases, and recorded among the records thereof: *And provided*, That the entire proceeds of the sale of the said canals shall be paid into the sinking fund, and applied to the payment of the state debt; and the said Sunbury and Erie railroad company may pay off and satisfy the principal or any of the bonds given for the said purchase money, at or before the maturity

thereof, in the certificates of loan of this commonwealth at their par value.

SECTION 7. That any and all claims for damages or other demands against the commonwealth, by individuals or companies, in relation to the location, construction, repair, management or use of any of the divisions of canal sold under the provisions of this act, shall, if established, be paid by the purchaser of the proper line or division, the amount to be ascertained and payment thereof made as the legislature may direct; but in any case the purchaser shall have notice, and an opportunity to be heard against the allowance of such demand: *Provided however,* That this section shall not relate to any obligation or claim incurred in the construction, management or repair of the said canals for the current fiscal year, and prior to the time of transfer.

Claims for damages, relative to.

Proviso.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,
Speaker pro tem. of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 446.

AN ACT

For the better Securing to the Commonwealth the Payment of Taxes due by incorporated companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter it shall be the duty of the president or treasurer of all institutions and companies incorporated by or under any law of this commonwealth, who are taxable under the laws of this state, to make report in writing to the auditor general, annually, in the month of November, stating specifically amount of capital paid in, the date, amount and rate per centum of each and every dividend declared by their respective corporations, during the year ending with the first Monday of said month, and for each and every year in which the dividend or dividends of any such company or corporation do not amount to six per cent. per annum or more, on the capital stock paid in; the president or treasurer thereof shall also furnish the auditor general, at the time of making said report, with an appraisalment of the capital stock, in conformity with the thirty-third section of the act, entitled

Duty of president or treasurer of incorporated companies.

"An Act to reduce the state debt," et cetera, approved April twenty-nine, one thousand eight hundred and forty-four.

Report and appraisal to be furnished auditor general.

SECTION 2. That if the said officers of any such company or corporation shall neglect or refuse to furnish the auditor general on or before the thirty-first day of December in each and every year, with the report aforesaid, or the report and appraisal, as the case may be, as required by the first section of this act, it shall be the duty of the accountant officers of the commonwealth to add ten per cent. to the tax of said corporation for each and every year for which such report or reports and appraisal were not so furnished; which per centage shall be settled and collected with the said tax, in the usual manner of settling accounts and collecting such taxes: *Provided*, That if said officers

Duty of accountant officers of the commonwealth.

Proviso.

of any such company or corporation shall fail to comply with the provisions of the first section of this act, during the months of November and December, for three successive years, it shall be the duty of the auditor general to report the fact to the governor, who shall thereupon by proclamation published in one newspaper at Harrisburg, one at Philadelphia, and one at Pittsburgh, daily for two weeks, declare the charter of said company or corporation forfeited and their chartered privileges at an end: *Provided further*, That the charters of all companies shall be forfeited in manner aforesaid, who have neglected or refused to make report to the auditor general, as required by the seventy-first section of the act, entitled "An Act to provide for the ordinary expenses of government," et cetera, approved May seven, one thousand eight hundred and fifty-five, except such as make said report within one year after the passage of this act.

Proviso.

Name, place of business, amount of capital paid in, &c., to be registered.

SECTION 3. That hereafter no institution or company incorporated by or under any law of this commonwealth, shall go into operation without first having the name of the institution or company, the date of incorporation, the place of business, the amount of capital paid in, and the names of the president and cashier or treasurer of the same, registered in the office of the auditor general; and any such institution or company, who shall neglect or refuse to comply with the provisions of this section, shall be subject to a penalty of five hundred dollars, which penalty shall be collected on an account settled by the accountant officers, as taxes on bank dividends are now settled and collected.

Auditor general, duties of.

SECTION 4. That it shall be the duty of the auditor general to cause this act to be published weekly for three consecutive weeks, in one newspaper published in Philadelphia, one in Harrisburg, and one in Pittsburgh, for which a reasonable compensation shall be allowed, to be determined by the accountant officers and settled in the usual way, which publication shall be taken and held as notice to all persons concerned.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 447.

A N A C T

For the Regulation of the Militia of this Commonwealth.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all able bodied white male citizens between the ages of twenty-one and forty-five years, residing in this state, and not exempted by the laws of the United States, shall be subject to military duty; excepting,

Who shall be
subject to mili-
tary duty.

First All persons in the army and navy of the United States. Who exempt.

Second. Ministers and preachers of the gospel, and professors of colleges and school directors, and all the judges of the several courts of this commonwealth.

Third. Persons who have been or hereafter shall be regularly and honorably discharged from the army and navy of the United States, in consequence of the performance of military duty in pursuance of any law of this state.

Fourth. Commissioned officers who shall have served as such in the militia of this state, or any one of the United States, for the space of five consecutive years; but no officer shall be so exempt, unless by his resignation after such term of service duly accepted, or in such other lawful manner he shall have been honorably discharged.

Fifth. Every non-commissioned officer, musician and private of every uniformed troop raised, who has or shall hereafter uniform himself according to the provisions of any law of this state, and who shall have performed service in such company or troop, for the space of seven consecutive years from the time of his enrolment therein, shall be exempt from military duty, except in case of war, insurrection or invasion.

Persons serving
seven consecu-
tive years, ex-
empt.

Sixth. If any member of such company or troop, who shall have been regularly uniformed and equipped, shall upon his removal out of the beat of such company or troop, or upon the disbandment thereof, enlist into any other uniformed company or troop, and uniform and equip himself therefor and serve in the same whenever the whole time of his service in such companies or troops computed together shall amount to seven years, he shall be exempt from military duty, in like manner as if he had served for the whole period in the company or troop in which he was first enrolled; the certificate from the commanding officer of such companies shall be the proof of such service.

Certificate from
commanding offi-
cer evidence of
service.

OF ENROLMENTS.

SECTION 2. *First.* That the assessors chosen in each city, borough, ward or township, shall annually, and at the same time they are engaged in taking the assessment or valuation of real and personal property in their respective cities, boroughs, wards

Assessors. duty
of.

or townships, include in their assessment roll the names of all persons in their respective assessment districts between the ages of twenty-one and forty-five years, liable to be enrolled by the laws of the United States; they shall prepare an additional column in said roll, which shall be headed "military roll," and in such column opposite the name of each person not exempt, shall insert fifty cents, and every copy required by law to be made of said assessment roll shall contain the additions herein specified; such assessors shall give notice to every person whom they shall embrace in their military roll, that he is so enrolled; such notice may be given by informing said person in writing, by leaving the same at his place of residence or business.

Assessors' roll to be put up in public places.

Second. As soon as the roll is completed the assessors shall forthwith cause notices thereof to be put up in three of the most public places in the city, borough, ward or township; which notices shall set forth that the assessors have made their roll of all persons liable of enrolment according to the laws of the United States, and that the same is left with one of their number, to be designated in such notice, at some place to be specified therein, where the same may be seen or examined by any person interested therein, until some day and place, to be specified in such notice, when the said assessors and commissioners of the county will meet to review such enrolment; such review shall be made at the same time and place the said assessors and commissioners review their assessment of real and personal property or appeals.

Commissioners and assessors to review enrolment.

Persons claiming to be exempt to make affidavit.

Third. Any person claiming that he is not liable to military duty, on account of some physical defect, or bodily infirmity, or that he is exempt from the performance of military duty by any law of this state or of the United States, may, on or before the day specified in such notice, and not after, deliver to either of said assessors an affidavit, stating such facts on which he claims to be exempt, or not liable to do military duty; such affidavit may be made before any person authorized to administer oaths, and the assessors shall cause all such affidavits to be filed in the office of the city or county commissioners; and if any person shall swear falsely in such affidavit, he shall be guilty of perjury.

Commissioners to determine who are exempt.

Fourth. On the day the county or city commissioners meet to review the assessment of real and personal property, or for holding appeals, they shall also determine who are exempt or not liable to do military duty; and in a column prepared for that purpose, in such roll opposite the name of each person not exempt, shall retain fifty cents, and opposite the name of each person not liable to do duty, shall insert "exempt," or "not liable," as the case may be; and opposite the names of all members of uniformed companies on such roll, shall insert "U. C.," and against the name of any military officer in commission and liable to do duty, the title of his office; and shall also insert against the names of persons between the age of eighteen and twenty-one years, "minor;" but if such person will have arrived at the age of twenty-one years, on or before the fifteenth day of November following such enrolment, then the designation last above provided need not be made.

List of persons exempt, when filed.

Fifth. The said commissioners shall, at the time they shall meet to review their enrolment, and for appeals, make a certified

list of the names of all persons whom they shall determine to be exempt, or not liable to do military duty, and shall file the same in their office for the future examination and guidance of the assessors and commissioners.

Sixth. When the assessors shall have completed their assessment roll, they shall sign the same, and shall attach thereto an affidavit substantially as follows: 'The undersigned assessor or assessors of the city, borough, ward or township of _____, in the county of _____, being sworn or affirmed, say that they have made strict and diligent inquiry to ascertain the names of all persons required to be enrolled as liable to military duty by the laws of the United States, residing in the district; that the roll hereto annexed is, as near as the deponent or deponents can ascertain, a correct roll of all persons residing in said district who are liable to be enrolled. The said affidavit shall be taken before any officer authorized by law to take affidavits, whose duty it shall be to take the same without fee or reward. The said assessor or assessors shall then deliver said roll to the county commissioners at their next meeting, and it shall be called the military roll of said district; and also one copy to the brigade inspector of the proper brigade.

Military roll, copies of, where deposited.

Affidavit of assessors.

Seventh. If any assessor or assessors shall neglect, or from any cause omit to perform his duties, the other assessors, or either of them, of the city, borough, ward or township, shall perform such duty, and shall certify the name of such delinquent assessor or assessors, stating the cause of such omission, to the commandant of the brigade in which he resides.

Delinquent assessors, relative to.

Eighth. All tavern keepers, keepers of boarding houses, persons having boarders in their families, any master or mistress of any dwelling house, or any head or member of any society or communities, shall, upon the application of any assessor, give information of the names of all persons residing or lodging in such house, or belonging to such society or community, liable to be enrolled, and all other proper information concerning such persons as such assessor may demand. And if any person of whom information is required by any assessor in order to enable him to comply with the provisions of this act, shall refuse to give such information, he shall forfeit and pay ten dollars for each item of information demanded of him or her by the assessor, and falsely stated, and like sum for each individual name that may be refused, concealed or falsely stated; and every person who shall refuse to give his own name and proper information when applied to by any assessor, or shall give a false name or information, shall forfeit and pay a like sum, and be deemed guilty of misdemeanor; such penalties to be recovered in the court of quarter sessions, in the name of the commonwealth of Pennsylvania; and it is hereby made the duty of the assessors to report the names of all persons who may incur any penalty in this section prescribed, to the commandant of the brigade in which they reside.

Refusal to give information to assessors, penalty for.

Ninth. The assessors, commissioners, clerks, collectors or receiver of commutation, in the execution of their duties herein prescribed, shall pursue the instructions which shall from time to time be transmitted to them by the adjutant general; and any assessor, commissioner, clerk, collector or receiver of com-

Assessors, commissioners, &c., penalty for refusing to perform duties.

Penalty to be
paid into milita-
ry fund.

mutation, or military officer, who shall refuse or neglect to perform any of the duties required of him or them by this act, he shall forfeit and pay the sum of not less than twenty-five nor more than fifty dollars, to be recovered in the name of the commonwealth; and if any assessor, commissioner, clerk, collector or receiver of commutation, or military officer, neglect or refuse to perform such duties as are hereby required, he shall be deemed guilty of a misdemeanor; and such penalty, when paid or collected, shall be paid into the treasury of the county, and belong to the military fund of the brigade. And it shall be the duty of the district attorneys of the several counties, on the complaint of any commissioned officer of the uniformed militia within the county where such district attorney resides, to prosecute any assessor, clerk, commissioner, collector or receiver of commutation, or military officer, who shall neglect or refuse to perform any of the duties required of him by this act; the costs of any such prosecution, if not collected from the delinquent, shall be charged upon the military fund of the county.

OF THE COLLECTION OF THE COMMUTATION.

Commutation,
amount of.

SECTION 3. *First.* That the commissioners of each county or city, at their annual meeting, shall, in a column to be provided for that purpose in the corrected assessment and military roll, set opposite the name of every person not exempt, the sum of fifty cents, which sum shall be paid by such persons as commutation of the arms, accoutrements and exercise specified in the act of Congress approved May eighth, seventeen hundred and ninety-two.

Commutation.
how collected
and where paid.

Second. The sum of fifty cents against every person who shall appear by the said assessment roll liable to pay the same, shall be collected at the same time and in the same manner as taxes are collected in each county; and the warrants annexed by the commissioners to the assessment roll of the several cities, boroughs, wards and townships, shall direct the collectors to collect, between the age of twenty-one and forty-five, the amount from every person appearing by the said assessment roll liable to pay the same, in the manner as taxes are collected, and to pay the same to the county treasurer, as military fund.

Commanding offi-
cers of uniformed
militia, duty of.

Third. The commanding officer of each and every company of uniformed militia within this commonwealth, shall, on or within five days after the first Monday of May, in each year, deliver or cause to be delivered to the commissioners of the city or county in his brigade, and a duplicate copy to the brigade inspector of his brigade, a roll, alphabetically arranged, of the names and residences of all the officers, non-commissioned officers and privates of his company, which roll shall be certified by him, upon honor, to include only the names of persons fully equipped according to the laws of the United States and of this state, and ready for service in his company; and also to report a list, in duplicate, similarly arranged, of persons who have for the current year contributed to the funds of an uniformed and organized company the sum of fifty cents, as an equivalent for military service, which list shall have annexed to it an affidavit, signed by the officers of the company, and setting forth that the said

sum has been actually paid to the funds of said company by or for each and every person named therein, for the current year, which shall exempt the said persons from paying the same to the collector.

Fourth. Commanding officers of brigades and uniformed companies, whenever it shall be made satisfactorily to appear to them or to any one of them, that by accident, mistake or inadvertency, any commutation or assessment has been attempted to be collected of any person clearly and palpably not liable to pay the same, such commanding officer may remit such an assessment, and his certificate thereof shall be authority for any collector or receiver of taxes to cancel the same on his roll. Officers of brigades and companies may remit commutation, &c.

Fifth. The collectors shall designate upon their rolls the amount paid by each person under this act, and all moneys so collected shall by the collector be paid over to the treasurer of the city or county to the credit of the military fund of the said brigade or county; such collector or receiver of taxes or commutation shall make such return under oath or affirmation, stating explicitly that he has made active and diligent efforts to collect the commutation assessment of each person on his roll of whom he has not collected the same, and that he has been unable to collect such assessment; and he shall also deposit with the county or city treasurer his assessment and military roll, certified under such oath or affirmation. Collectors, duty of.

Sixth. The bond required to be executed by the collector, receiver of taxes or commutation and county treasurer, shall apply to any moneys required to be collected for military purposes by this act. Bond of collector

Seventh. It shall be the duty of every city and county treasurer of this state, to procure suitable books in which shall be entered an account of all moneys received in pursuance of this act, and which shall be called the military fund of such city or county; he shall also enter in said books all moneys paid out of such fund, and for what purpose, and the account shall be so kept that he can at all times ascertain the amount paid by each city, borough, ward or township separately, and in the county; and the said books shall be open to the inspection of the major general, brigadier general or commissary general. County treasurers to procure suitable books.

Eighth. The fund so created shall be applied exclusively to military purposes, for the benefit of uniformed militia, and of the military expenses of this commonwealth, and no moneys shall be paid from such fund by the county or city treasurer, but upon orders of a board of officers as provided in this act, countersigned by the commandant of the brigade or president of said board, and which order shall specify on its face the objects for which such money was paid, and the balance to be paid into the state treasury, credited to the military fund; and the said board shall settle their accounts with county or city officers. Fund created to be applied to military purposes.

Ninth. If any person shall neglect or refuse to pay the commutation assessment as herein prescribed, and the collector or receiver of the city, borough, ward or township, to whom the warrant for the collection or receiving thereof shall be given, shall be unable to collect the same, it shall be the duty of such collector or receiver to return the names of all such persons to the treasurer of the said city or county, who shall make a list of Refusal to pay commutation assessment, relative to.

such delinquents, and deliver the same to the county commissioners at their next annual meeting.

Commutation assessments, how collected.

Tenth. Whenever it shall appear from the return of any collector or receiver of commutation made in pursuance of the ninth division of this section, that any person has neglected or refused to pay the commutation assessment, and that the collector or receiver has been unable to collect the same, such sum shall be added to his annual commutation assessment of the next year by the commissioners, and collected as provided in the second division of this section, and paid into the county or city treasury, and shall belong to the military fund.

Clerk of commissioners, duty of.

Eleventh. The clerk of the commissioners in each city and county shall each year carefully ascertain from the corrected assessment and military rolls the whole number of persons enrolled as liable to perform military duty, including all members of volunteer companies, and shall report the same to the adjutant general on or before the first day of December in each year.

Compensation of commissioners and assessors.

Twelfth. The compensation of assessors and commissioners for their services in making the enrolment required, et cetera, shall be at the same rate and in like manner as they are compensated for making the annual assessments of property and holding appeals, and the clerk of the commissioners shall receive such compensation for his services rendered, as the commissioners may determine equal in proportion to his salary for other services rendered to the commissioners.

County treasurers, fees of.

Thirteenth. The treasurer of any city or county to whom any fines or commutation money shall be paid, may retain therefrom one per centum as fees for the receipt and disbursement thereof, and all collectors and receivers of taxes shall be entitled to add and collect the same fees for the commutation as are now by law allowed to them for the collection of taxes.

OF THE ORGANIZATION OF THE MILITIA—THEIR UNIFORM AND DISCIPLINE.

Militia of commonwealth divided into twenty divisions.

SECTION 4. *First.* That the militia of this commonwealth shall be divided as heretofore into twenty divisions, as follows:

- First division, city of Philadelphia.
- Second division, Bucks, Montgomery and Delaware.
- Third division, Chester and Lancaster.
- Fourth division, York and Adams.
- Fifth division, Dauphin, Lebanon and Berks.
- Sixth division, Schuylkill, Carbon, Monroe and Pike.
- Seventh division, Northampton and Lehigh.
- Eighth division, Northumberland, Union and Snyder.
- Ninth division, Columbia, Luzerne and Wyoming.
- Tenth division, Susquehanna and Wayne.
- Eleventh division, Lycoming, Clinton and Potter.
- Twelfth division, M'Kean, Forest and Clarion.
- Thirteenth division, Sullivan, Bradford and Tioga.
- Fourteenth division, Juniata, Mifflin, Centre, Huntingdon and Clearfield.
- Fifteenth division, Cumberland, Perry and Franklin.
- Sixteenth division, Bedford, Somerset, Cambria and Blair.

Seventeenth division, Westmoreland, Fayette, Washington and Greene.

Eighteenth division, Allegheny, Armstrong, Indiana and Jefferson.

Nineteenth division, Beaver, Butler, Mercer and Lawrence.

Twentieth division, Crawford, Erie, Venango and Warren.

Second. Each county in this commonwealth shall be a separate brigade, and shall be numbered in the divisions to which they severally belong by the brigade inspectors and brigadier generals: *Provided*, That the city of Philadelphia shall be divided into three brigades, as at present established.

Third. Each brigade, regiment, battalion, squadron, troop and company, shall conform, as near as possible, to the regulations of the United States, but a regiment may consist of five companies.

Fourth. Whenever any number of persons, not less than thirty-two, rank and file, shall volunteer in the manner herein prescribed to form a uniform company in any brigade, they shall present their roll to the brigade inspector, who shall thereupon fix a time for their inspection, and if approved, he shall organize the same according to the provisions herein prescribed.

Fifth. To every such company there shall be, if cavalry, one captain, one first lieutenant, one second lieutenant and one cornet; artillery companies, one captain, two first lieutenants and one second lieutenant; infantry and rifle companies, one captain, one first lieutenant and one second lieutenant; in addition to the above commissioned officers, each company shall elect one quarter master sergeant, four sergeants and four corporals.

Sixth. Every troop of cavalry and every company of artillery, light artillery, riflemen and infantry, which shall not at any annual inspection have at least thirty-two men armed and uniformed, the inspector shall require proof that there are non-commissioned officers and privates belonging to such company or troop properly uniformed sufficient to complete the whole number of thirty-two; such proof may be made by the certificate on honor of the commanding officer of said company.

Seventh. The brigade inspector when on inspection shall find a deficient number in a company, shall thereupon disband the same in orders, unless he shall have reason to believe that such company will have thirty-two non-commissioned officers and privates present at the next succeeding inspection and review.

Eighth. Every officer of the line and staff, and every officer hereafter elected or appointed, and every officer or private of any uniformed company hereafter organized in this commonwealth, shall provide himself with a uniform to conform as near as possible to the regulations of the United States: *Provided*, That if any regiment or battalion is now organized and uniformly equipped, the same uniform shall be deemed theirs of that particular regiment or battalion, and no company shall be attached to the same unless its uniform is so nearly similar as to meet the approbation of the board of officers of the said regiment or battalion.

Ninth. The uniformed militia of this commonwealth shall as near as may be, conform their system of discipline and tactics

Each county a separate brigade.

Philadelphia city divided into three brigades.

To conform to U. S. regulations.

Volunteer companies, how organized.

How officered.

To be composed of not less than thirty-two men.

Disbanding of companies.

Uniform to conform to the regulations of the U. States.

System of discipline, relative to

to that of the army of the United States, as is now or shall hereafter be prescribed by the Congress of the United States.

Books for commissioned officers

Tenth. That the commander-in-chief shall from time to time direct such books as to him shall appear expedient, as a guide to the military forces of this State, to be provided by the adjutant general, and who shall furnish the same to all commissioned officers, to be paid out of the military fund.

Existing companies, relative to.

Eleventh. All existing uniformed companies shall be deemed to be organized under the provisions of this act: *Provided,* Such company shall contain thirty-two non-commissioned officers and privates.

Regiments, how formed.

Twelfth. Whenever five uniformed companies shall be organized in any brigade, the brigade inspector shall form the same into a regiment, and shall give notice for an election to be held for the choice of suitable persons to fill the offices of colonel, lieutenant colonel and major, in such regiment, giving at least ten days' notice in writing of the time and place of all such elections, and he shall preside thereat; but where companies have already been organized into a regiment and elected their officers, they shall continue in office until the expiration of their commissions; and in unorganized brigades the commander-in-chief shall appoint a brigade inspector for the purpose herein designated; and any two companies of cavalry or three of infantry, riflemen or artillery, may be formed into a battalion and have a major commandant, who shall be elected as above directed; companies, battalions or regiment serving together shall have precedence according to arm and priority of organization.

Commander-in-chief to appoint brigade inspector.

Battalions, how formed.

Brigadier general and brigade inspector, how elected.

Thirteenth. As soon as the field officers in the regiments in any unorganized brigade of this state shall be duly chosen and commissioned, the commander-in-chief shall direct the adjutant general to order an election to be held for the choice of suitable persons to fill the offices of brigadier general and brigade inspector, by giving proper notices of such an election, and shall appoint proper persons to preside thereat, who shall forward the returns thereof to the commander-in-chief through the adjutant general.

ELECTIONS AND APPOINTMENTS OF MILITARY OFFICERS.

Elections, when and how held.

SECTION 5. *First.* That the brigadier generals now in commission shall remain in office until the expiration of their commissions respectively, and on the first Monday of June, after the expiration of the said commissions respectively, and on the first Monday of June in every five years thereafter, the members of all the uniformed companies that shall be organized on or before the first Monday of June, one thousand eight hundred and fifty-nine, shall meet at their usual place of meeting on said first Monday of June, and on the first Monday of June in every five years thereafter, an election shall be held in each company for one brigadier general and one brigade inspector for each brigade, and for such field officers as the regiment or battalion to which each company may be attached shall be entitled to; also, at the same time all commissioned officers that each company is entitled to; the captain or commanding officer of each company shall superintend said election, and take to his assist-

ance two or more members, who shall be severally sworn or affirmed before the poll is opened to conduct said election fairly and impartially, and make a true and correct return thereof; and when the said election shall have been closed and the votes counted, the said superintendent and his assistants shall make out duplicate returns of the same, to be signed by them, stating the number of votes given for each person for the different offices voted for for the regiment or battalion and company, as well as the brigadier general and brigade inspector; one of said returns the said superintendents in each company shall cause to be filed with the papers of the company, and the other he shall within five days thereafter deliver or cause to be delivered to the brigade inspector then in commission, who shall open and cast up the same, and shall make out one general return of the election of each officer having the highest number of legal votes, and having certified and signed the same, shall forthwith transmit the same to the secretary of the commonwealth; and the brigade inspector shall cause a written certificate and notice to be given to each of said persons of his election; and the returns of the election from each company, received by said brigade inspector, shall be filed and preserved in his office, and subject to the inspection of any person interested who may wish to examine the same; and as often as any vacancy occurs in any of the aforesaid offices, by death, resignation or otherwise, an election shall be held to supply the vacancy, which shall be conducted and returned in all respects as directed for conducting the original election of such officers, upon ten days' notice from the brigade inspector by written or printed advertisement, or otherwise, given to the qualified voters to fill such vacancy; and the brigade inspector may attend or appoint any other fit person to conduct such election; and when the secretary of the commonwealth shall receive any returns of elections, he shall have the commissions filled up for the officers as soon as possible, and sent to the brigade inspector for distribution.

Who to superintend elections.

Returns to be delivered to brigade inspector.

Transmitted to secretary of the commonwealth.

Duplicate to be filed in the office of brigade inspector.

Vacancies.

Commissions.

Second. The first Monday of June then next ensuing, and on the first Monday in July in every five years thereafter, shall be the time of election of major general of each division in this commonwealth, and all the commissioned officers of companies, battalions, regiments and brigades within the bounds of each division, who shall meet at the county seat in each brigade, which said county seat is hereby declared to be the place of holding said election, shall be entitled to vote for major general; and that the brigadier general, or other senior officer present, who shall have been elected on the first Monday of June as aforesaid, shall superintend said election, assisted by the brigade inspector, or other senior officer present; and after counting the votes, duplicate returns of said election shall be made out and signed by said brigadier general and assistant, stating the number of votes given for major general; and the said brigade inspector shall file one of said returns in his office, and transmit the other to the secretary of the commonwealth, whose duty it shall be, having received the returns of all the brigade inspectors, to count and cast up the returns of each division, and transmit a major general's commission to the person having the highest number of votes in each division.

Major general election of.

County seat the place of holding elections.

Returns, where filed.

Commanding officers of regiments and battalions, appointments of.

Third. Sergeant majors, quarter-master sergeants and drum majors shall be appointed by the commanding officer of the regiment or battalion to which they shall belong, by warrant, under the hand of such commanding officer, and shall hold their office during his pleasure.

Non-commissioned officers.

Fourth. Any company or troop may at any meeting therefor, elect non-commissioned officers to fill any vacancy therein; and the commanding officer of any company or troop, may call a special meeting of his respective company or troop, for an election of non-commissioned officers.

Resignations, who made to.

Fifth. The resignations of all commissioned officers shall be made to the commanding officers, their respective brigades, and no commanding officer of a brigade, regiment, or battalion, shall approve or accept any resignation, unless the officer tendering the resignation shall furnish satisfactory evidence that he has delivered all moneys in his hands, as such officer, and all books and other property of the state, in his possession, to the brigade inspector.

Commander-in-chief may accept resignations.

Sixth. The commander-in-chief may accept the resignation of any officer, whose resignation the commanding officer of a brigade is not authorized to receive.

Officers living out of the bounds of division, relative to.

Seventh. No person shall be eligible to the office of brigadier general or brigade inspector, who lives out of the bounds of the division; and every such officer who shall remove out of said bounds, or shall be absent from his command twelve months, without leave of the commanding officer of his brigade or division, shall be considered as having vacated his office, and a new election shall be held without delay to fill the vacancy so created.

Votes.

Eighth. No person shall be allowed to vote at any election for a commissioned or non-commissioned officer, unless he is actually a member of such company where he shall offer to vote and liable to do military duty therein.

Brigade inspectors to be notified of resignations.

Ninth. The commanding officer of a brigade, on accepting a resignation, shall forthwith notify the brigade inspector of his brigade, to call an election to fill said vacancy, and in case of the brigade inspector, the commanding officer himself shall call the election.

OF THE DIVISION, BRIGADE AND REGIMENTAL STAFF.

Staff of major general.

SECTION 6. *First.* That each major general shall be entitled to an assistant adjutant general, with the rank of major; two aids, with the rank of major; a division inspector, with the rank of lieutenant colonel; a division quarter-master, with the rank of major; a division paymaster, with the rank of major; a division surgeon, with the rank of lieutenant colonel; and a division judge advocate, with the rank of lieutenant colonel.

Staff of brigadier general.

Second. Each brigadier general shall be entitled to one aid, with the rank of captain; a brigade quarter-master, with the rank of captain; a brigade paymaster, with the rank of captain; a brigade surgeon, with the rank of major; a brigade judge advocate, with the rank of major.

Brigade inspector, election of.

Third. To each brigade there will be one brigade inspector, with the rank of major, who shall be elected for the term of five years from the date of his commission, and be elected in the

same manner as brigadier generals are elected ; the present brigade inspectors to remain in office until the expiration of their commissions ; before any commission shall issue to any brigade inspector, he shall give bond with sufficient sureties, to be approved by two of the judges of the court of common pleas in the county in which he resides, in the sum of one thousand dollars, conditioned for the faithful performance of his duties as brigade inspector ; which bond shall be filed in the office for recording of deeds in the said county, and a copy thereof sent to the secretary of the commonwealth. It shall be the duty of the brigade inspector to attend, in person, at every military inspection ; to furnish the requisite number of clerks at his own expense ; make returns of the same to the proper officer ; receive and distribute commissions to officers elected ; to make requisitions for, receive and distribute arms to each company ; take bonds for them, and forward the same to the adjutant general for safe keeping ; and annually to inspect the several companies in his brigade ; and further, he shall make out annually two complete statements, in tabular form, of all the regiments, battalions, and the number, name and grade of each company in his brigade, under their proper head, with the names of all commissioned officers in his brigade, including the brigadier general and his staff ; also all arms and accoutrements, military stores, camp equipage and musical instruments that are in his brigade ; one copy of which shall be filed in his office, and the other forwarded to the adjutant general before the first day of November in each year ; and upon failure to perform this duty, the adjutant general shall give notice to the proper county or city treasurer, whose duty it shall be to withhold his salary, and add it to the brigade military fund for the current year. The compensation of the brigade inspector shall be one hundred and fifty dollars per annum ; and he shall furnish to the city or county treasurer a correct account of all letters and documents sent and received on military matters ; also an account of all public printing and stationery, accompanied with the necessary vouchers and affidavit to the truth thereof, before the first Monday of November in each year, when it shall be the duty of said treasurer to examine the account, and if correct, to pay the same to said brigade inspector out of any unappropriated money in the brigade military fund.

Shall give bond.

Duty of.

Compensation

Fourth. To each regiment or battalion there shall be one adjutant, with the rank of lieutenant ; one quarter-master, one paymaster, one surgeon, one assistant surgeon, one sergeant major, one quarter-master sergeant and one drum major, who shall be appointed by the commanding officer of the regiment or battalion ; and to each regiment of cavalry one trumpet major, to be appointed in like manner.

Officers to each regiment.

Fifth. The officers of the various staff departments shall, as far as may be, conform to those which are prescribed for the government of the staff departments in the army of the United States.

Staff officers

OF THE ORGANIZATION OF BANDS OF MUSIC.

SECTION 7. *First.* The commanding officer of each regiment or battalion may organize a band of musicians, and by warrant under his hand, may appoint a leader of such band.

Bands of music

- Subject to the order of leader. *Second.* Such musicians shall be subject to the orders of such leader, and be under the command of the commanding officer of the regiment or battalion; and the whole or any part of such band may be required, by such commanding officer, to appear at any of the meetings of the officers for military purposes, and at the review, inspection or encampment of such regiment or battalion.
- How disbanded. *Third.* The commanding officer of such regiment or battalion shall have authority to disband such band, whether now or hereafter established, and to revoke the warrant of the leader. The provisions of this section shall apply to all musicians employed to serve with the military forces of this state.

OF THE ISSUING AND SAFE KEEPING ARMS.

- Armories, relative to. *SECTION 8. First.* Whenever any company shall be organized in any brigade, according to the provisions of this act, there shall be erected or rented within the bounds of such company, a suitable armory or place of deposit for the safe keeping of such arms and camp equipage as shall be furnished such company under the provisions of this act.
- Commanding officer to have supervision of. *Second.* The commanding officer of the company shall locate and have the supervision of the erection or renting of such armory or place of deposit; and in case such armory shall be rented, the annual rent thereof not to exceed two hundred and fifty dollars in the city of Philadelphia, two hundred in Allegheny, Lancaster, Reading, Pottsville and Harrisburg, and one hundred in other districts; which sums shall be paid out of the military fund of the brigade; and all sums required for such purposes, shall be drawn and paid on the order of the board of officers of the said brigade.
- All arms, &c., to be deposited therein. *Third.* Such armory, when erected or rented, shall be under the control and charge of the commanding officer of the company, and all arms and equipments received from time to time, for the use of the company, shall be deposited therein.
- Adjutant general to furnish arms, &c. *Fourth.* The adjutant general of this state shall furnish on the order of the commander-in-chief, or the requisition of the brigade inspector, all necessary arms and equipments suited to all the officers of the state, and to the companies belonging to each brigade, required for camp and field duty, the same to be furnished at the expense of the state; but no arms or equipments shall be furnished to any company, unless such company shall be connected with the regular military organization of the state. The adjutant general shall not be required to furnish arms and equipments, except such as shall be in the arsenal of the state at the time application shall be made therefor.
- Commanding officer responsible for, &c. *Fifth.* The commanding officer of each company shall be responsible for the safe keeping and return of all arms and equipments committed to his charge, and shall execute such bonds as the commander-in-chief shall require from time to time; and no company shall be so furnished until bonds for the safe keeping and return shall be made out and approved by the commander-in-chief, and until a suitable armory or place of deposit shall be rented or erected by such company.

Sixth. The commanding officer of each company shall appoint a suitable person to take charge of the armory or place of deposit of his company, and all arms and equipments and other property of the state therein deposited, and to discharge all duties connected therewith, as shall be from time to time prescribed by the commanding officer; and such armorer shall receive a compensation not to exceed one dollar per day for the time actually employed in cleaning guns and other duties indispensably necessary for the safe keeping and preservation of such property of the state, as shall be committed to his charge.

Person to take charge of, duties of and pay.

Seventh. Any person who shall wilfully injure such armory or its fixtures, or any gun, sword, pistol or other property of the state therein deposited, shall be deemed guilty of a misdemeanor.

Injuring arms deemed a misdemeanor.

Eighth. All officers applying for the issue of camp equipage, shall set forth in their application, the number of tents which they will require, the time when their respective regiments or companies go into camp, and the number of days which such encampment will continue; and the commanding officer of each camp shall immediately after the breaking up of the encampment, cause the equipage to be returned to the state arsenal, or turned over to such officer as may be directed by the adjutant general: *Provided however,* That all such tents and camp equipage shall be deposited in the state arsenal on or before the first day of November in each year.

Camp equipage. application for, how made.

Proviso.

OF PARADES AND RENDEZVOUS.

SECTION 9. *First.* Whenever any company or companies shall be organized, uniformed and equipped in any brigade, such company or companies shall parade annually thereafter by regiment, battalion or company at such time and place, between the first day of May and the first day of October, as the brigade inspector shall order and direct, for the purpose of discipline, inspection and review; at any such parade all the commissioned and non-commissioned officers, musicians and privates shall appear and discharge any and all the duties required to be performed by the commanding officer; no person shall be permitted in the ranks on any parade who does not appear in full uniform, and armed and equipped suited to the company to which he belongs, and no person shall be permitted in the ranks who is not fully armed and equipped according to the provisions of this act and the laws of the United States; and all members who shall appear without such arms and equipments, or without a uniform at any parade, shall be returned as absent from parade, and fined accordingly.

Company parades, relative to.

Persons on parade to be in full uniform.

Second. In lieu of said annual parade, the commanding officer of the brigade may order his brigade or any regiment, battalion or company thereof uniformed and equipped, to parade and encamp for not to exceed six consecutive days, between the first days of May and October in each year; and all parades and encampments held in pursuance of this act, shall be governed by the rules and regulations of the army of the United States, and at least twenty days' previous notice of any such parade and encampment shall be given to the brigade inspector by the commanding officer.

Encampments, relative to.

Commanding officer, authority of at parades.

May prevent sale of spirituous liquors.

Commanding officer may order additional parades.

Parades in cities, boroughs, &c.

Return of delinquencies, who made to.

Return of commandant of a company, relative to.

Members of companies how warned to appear on parade, &c.

Evidence before court martial.

Third. The commanding officer at any parade may cause those under his command, to perform any field or camp duty he shall require; and also to put under guard for the day or time of continuing such parade, any officer, non-commissioned officer, musician or private, who shall disobey the orders of his superior officer, or in anywise interrupt the exercises of the day; also all other persons who shall trespass on the parade ground, or in any way or manner interrupt or molest the orderly discharge of duty of those under arms; and also may prohibit and prevent the sale of spirituous liquors, (except by licensed houses,) within one mile of such parade or encampment; and also in his discretion, all hucksters, or auction sales, or gambling, may be abated as nuisance.

Fourth. In addition to the annual parade or encampment herein specified, the commanding officer of a regiment or battalion may order the military forces under his command to parade by battalion or regiment, at such time and place as he may deem proper, not exceeding twice in any one year, nor longer than one day at any one time.

Fifth. The commanding officers of companies in any city or incorporated borough, may in addition to the annual parade required by this act, require their companies to meet for parade at such time and place as they shall deem proper, not to exceed six times in any one year; all other companies not to exceed four times in any one year; but no officer or member shall receive pay for parading oftener than six times in any one year.

Sixth. Such commandant shall deliver the return, together with his own return, of all delinquencies, to the president of the proper court martial; the return of such non-commissioned officers, so sworn to and certified, shall be as good evidence on the trial of any person returned as a delinquent of the facts therein stated, as if such officer had testified to the same before the court martial on such trial.

Seventh. Every commandant of a company shall make the like return upon honor, and with like effect, of every delinquency and of neglect of duty of his non-commissioned officers, either in not attending on a parade or encampment, or not executing or returning a warrant to them directed, or not obeying the orders of their commanding officers; and also the names of every non-commissioned officer, musician or private, who shall refuse or neglect to obey the orders of his superior officer, or to perform such military duty or exercise as may be required, or depart from his colors, post or guard, or leave the ranks without permission from his superior officer.

Eighth. Any commissioned officer of a company, may, without a warrant, warn any or all of the members of his company to appear at any parade, encampment or place of rendezvous; such warning may be given by him either personally or by leaving or affixing a notice in the same manner as if given by a non-commissioned officer, and his certificate, upon honor, shall be received by any court martial as legal evidence of such warning.

Ninth. Nothing in the provisions of this act shall be so construed as to preclude, in the absence of a proper return, the giving in evidence at any court martial upon trial for delinquen-

cies, neglect of duty, or offence whatsoever, matters of fact which go to substantiate the charge or offence; but all such proof shall be received under the usual rules of evidence in courts of justice.

Tenth. That no civil process shall be issued against or served upon any officer, non-commissioned officer, musician or private of the uniformed militia of this commonwealth whilst in uniform, and going to, remaining at, or returning from any parade, rendezvous or encampment of any part of the said militia; and every person shall be exempt from jury duty during the time he shall be attached to any part thereof; and every officer, non-commissioned officer, musician and private, shall hold his uniform, arms and equipments, of whatsoever kind, forever exempt from all suits, distresses, executions and sales for debts, or the payment of taxes; and every mounted officer and member of a cavalry or mounted company of any arm, who shall own a horse suitable for his use on parade or other military duty, as such officer or member, shall hold the same with like exemptions; and all such persons being in uniform, and on duty, shall travel free of toll on all the roads, and of charge on all the public works of the state.

Civil process, when not to be served.

Uniformed militia exempt from jury duty.

Certain property exempt from levy and sale.

Eleventh. All orders for encampments, inspection and review shall be published at least twenty days previous to such parade, in such manner as the commandant of the brigade shall direct; and all commanding officers of regiments, battalions or companies may on any parade read brigade, regimental or battalion orders, and notify their several commands to appear as specified in said brigade or regimental order, for the purpose therein contained; which notice shall be sufficient warning to all persons present.

Orders for encampments to be published.

Twelfth. Every officer, non-commissioned officer, musician and private of any uniformed company, who shall unnecessarily neglect to appear on the days at the time and place appointed for such duty, agreeably to the provisions of this act, shall forfeit his annual pay, and also be subject to such fines and penalties as are hereinafter provided.

Members of companies neglecting to perform duty, subject to fines, &c.

Thirteenth. The commanding officer of every uniformed company shall at the close of the annual parade or encampment required by this act, make out an alphabetical list of the names of the members of his company, who shall have appeared and performed duty at such parade or encampment, uniformed, armed and equipped as the law and regulation direct, and shall set opposite to each name the number of days each shall have performed duty at such parade or encampment, and the amount of pay each is entitled to receive for such service, and deliver the same, certified to be correct and true, to the commanding officer of his brigade, regiment or battalion, who shall immediately cause the same to be transcribed in a book to be kept by them for that purpose.

Commanding officer to make out alphabetical lists of regular members, &c.

Fourteenth. The commanding officer of each brigade, regiment or battalion, shall also at the close of any such parade or encampment, make or cause to be made, a complete roster or list of all commissioned officers and non-commissioned staff officers, who shall have appeared and performed duty at such parade or encampment, uniformed, armed and equipped as the law and regulation direct; and shall set opposite to each name

List of officers who have regularly performed duty to be made out, &c.

the number of days each shall have performed duty at such parade or encampment; and shall cause such list to be transcribed into a book or books, to be kept by him for that purpose within ten days thereafter; copies of such lists required by this and the preceding section, shall be delivered to the commanding officer of his brigade.

Major general to review brigades.

Fifteenth. The major general of each division shall review one of the brigades in his division in each year, and while so employed shall receive the same pay as is provided for the brigade inspector; and he shall require the officers of the division staff, armed and equipped as the law and regulation direct, to accompany him.

Annual inspection and review, brigadier general to attend

Sixteenth. The brigadier general of each brigade shall attend with the officers of the brigade staff, armed and equipped as the law and regulation direct, the annual inspection and review of the several regiments and battalions or other general parades in his brigade.

Commandants to furnish brigade inspector with returns, &c.

Twenty-first. It shall be the duty of the commandants of companies, at the annual inspection, to furnish the brigade inspector with a return, which shall show—

First. The number of commissioned, non-commissioned officers, musicians and privates of his company or troop present on parade, designating the number of each.

Second. The number of such company absent from parade.

Third. The uniform, arms and equipments inspected.

Fourth. The number of uniforms belonging to said company or troop.

Fifth. The arms and equipments in possession of said troop or company.

Copies of inspection returns to be sent to adjutant general.

Twenty-second. It shall be the duty of the brigade inspector to transmit a copy of the inspection return annually to the adjutant general, within thirty days after the inspection shall be made, of the several regiments, battalions, companies, together with the division, brigade, regimental and battalion officers, with their staffs, armed and equipped according to law and regulation.

By-laws and regulations of companies.

Twenty-third. Each uniformed company may form by-laws, rules and regulations not inconsistent with this act, for the government and improvement of its members in military science, and when approved by two-thirds of all the members, shall be binding, but may be altered from time to time as may become necessary; and any member violating any of the by-laws of the company may be subject to such penalties as said company may designate.

Pay for services.

Twenty-fourth. There shall be paid for services rendered in pursuance to this act, to all officers, non-commissioned officers, musicians and privates of any uniformed company or troop, one dollar and fifty cents for every day actually on duty, and for each horse used by them, two dollars per day.

OF BRIGADE BOARDS OF AUDITORS.

Board of officers.

SECTION 10. *First.* That there shall be a board of officers in each brigade, which shall consist of the commanding officers of the brigade, who shall be the president thereof, and of the bri-

gade inspectors and field officers of the brigade, any three of whom shall form a quorum for business, the commanding officer of the brigade or regiment being one. Quorum.

Second. The commanding officer of the brigade or regiment shall, from time to time, convene the board of officers of each brigade created by this act, and when so convened, shall audit all just claims on the military fund of such brigade for contingent expenses of the brigade and for the per diem pay of all the officers, musicians and privates, for service and duty performed in or for said brigade, and shall make their order on the proper county treasurer, which shall require him to pay such order out of any money in his hands belonging to the military fund of the brigade. Duties of.

Third. Such board may also direct such printing and publishing to be performed and executed as shall be necessary for the best interests of the brigade. The members of such board shall be entitled to receive one dollar and fifty cents for each day's service as such members; such sum to be certified and paid in the same manner; such board shall enter their proceedings, from time to time, in a book to be kept for that purpose by each brigade. Printing, publishing, &c.
Pay of board of officers.

Fourth. All county and city treasurers shall report to the adjutant general on the last day of December in each year, being the close of each military year, the amount of all moneys received as fines, or commutation money by them, and all money paid out by them of the military fund, and the balance of military fund remaining in their hands. County and city treasurers, when to make report, and to whom.

OF INVASIONS, INSURRECTIONS, RIOTS, BREACHES OF THE PEACE AND RESISTANCE OF PROCESS.

SECTION 11. *First.* In case of any invasion, or of imminent danger thereof, within the limits of any division, brigade, regiment or battalion, it shall be the duty of the commandant of such division, brigade, regiment or battalion, to order out for the defence of the state, the militia, or any part thereof, under his command, and immediately report what he has done to the commander-in-chief, and give immediate notice to his commanding officer of such invasion, and the circumstances attending the same, which shall be by him transmitted with the utmost expedition to the commander-in-chief; and in case of insurrection, he shall also give notice to any judge of the county or city in which it shall happen, and shall take measures for its suppression as to such judge shall appear most proper and effectual; and if such judge shall deem a great force requisite to quell the same, he shall require such additional force from the commandant of the division or brigade therein, whose duty it shall be to obey his requisition. When militia to be ordered out in defence of the state.

Second. In case of any breach of the peace, tumult, riot, or resistance of process of this state, or apprehension of immediate danger of the same, it shall be lawful for the sheriff of any county, or mayor of any city, to call for aid from the commandant of the military force of said city or county; the duty of the commanding officer to whom such order is given, to order out in aid of the civil authorities, the military force, or any part When a sheriff or mayor may call upon the militia.

thereof under his command; and such force shall always remain under the command of its own officers; in such case it shall not be necessary for commanding officers of companies to issue written orders or notices for calling out their men, but verbal orders or notices shall be sufficient.

When called into service who to provide ammunition.

Third. It shall be the duty of the commanding officer of any division, brigade, regiment, battalion, or company, in all cases when so called into service, to provide the men of his command so ordered out, with at least the proper ammunition and arms, in complete order for actual service.

Disobeying orders, penalty for.

Fourth. Any non-commissioned officer, musician, or private, who shall refuse or neglect to obey the orders of his commanding officer, in the case above provided for, shall be liable to a fine of not less than fifteen nor more than twenty dollars, to be prosecuted and recovered in the manner hereinbefore provided in case of commissioned officers.

Compensation in case of riot, tumult, &c.

Fifth. All non-commissioned officers, musicians and privates, in case of riot, tumult, breach of the peace, resistance to process, or whenever called upon in aid to the civil authorities, shall each receive the compensation of one dollar and fifty cents per day; and all commissioned officers the same compensation as is paid to officers in the army in service of the United States, together with all necessary rations and forage, and for the horses of any mounted men one dollar per day.

OF COURTS OF INQUIRY AND COURTS MARTIAL.

Courts of inquiry and courts martial.

SECTION 12. *First.* Courts of inquiry may be instituted by the commander-in-chief, or the commanding officer of division or brigade, in relation to those officers for whose trial they are authorized to appoint courts martial, for the purpose of investigating the conduct of any officer, either by his own solicitation or on a complaint or charge of improper conduct degrading the character of an officer, or for the purpose of settling rank, but no such court shall consist of more than one officer, who may, if approved of by the officer ordering the court, require a judge advocate to attend such court in taking testimony and in investigating any complaint that may come before such court.

Second. Such court shall without delay report a statement of facts and an opinion thereon, when required, to the officer instituting such court, who may in his discretion thereupon appoint a court martial for the trial of the officer whose conduct shall have been inquired into.

For the trial of major general and brigadier general.

Third. Every court martial for the trial of a major general and brigadier general shall be ordered by the commander-in-chief, and shall consist of five officers, any three of whom shall constitute a quorum.

Of commissioned officers.

Fourth. All other courts martial for the trial of commissioned officers shall consist of three officers, and shall be ordered, if for the trial of officers above the rank of captain, by the commanding officer of the division, and for all other officers by the commanding officer of the brigade.

Officer arrested, furnished with copy of charges, &c.

Fifth. No officer arrested shall be brought to trial unless a copy of the charges and specifications, certified by the officer ordering the arrest, shall be delivered to him or left at his usual

place of abode within three days after his arrest, nor unless the officer ordering such court martial shall have ordered the same within thirty days after receiving notice of the arrest and a copy of the charges and specifications, nor until ten days after a copy of a list of the names of the officers detailed to form the court, shall have been delivered to the officer arrested or left at his usual place of abode.

Sixth. The officer ordering the court may at any time supply any vacancy that from any cause may happen therein. If the officer accused shall have any cause of challenge to any member of such court, he shall within a reasonable time after receiving a copy of the charges and a list of the members, deliver his cause of challenge in writing to the officer ordering such court, who shall thereupon determine as to the validity of such challenge, and if in his opinion the causes are sufficient, he shall appoint another member of such court.

Vacancies in court, how supplied.
Cause of challenge.

Seventh. After the court shall be assembled and after all challenges, if any are made, shall have been determined, the judge advocate, whether commissioned or special, shall administer to each member the following oath: You do swear or affirm that you will faithfully discharge the duties of a member of a court martial now assembled, according to the best of your ability.

Oath, to be administered by judge advocate.

Eighth. Every judge advocate, whether commissioned or special, and every member of a court martial shall keep secret the sentence of the court until the same shall be approved or disapproved according to law, and shall keep secret the vote or opinion of any particular member of the court.

Sentence of court to be kept secret.

Ninth. The sentence of any court martial shall be according to the nature and degree of the offence, and according to military usage, but shall not extend farther than cashiering the officer convicted, and disqualifying him from holding any office in the militia of this state, and imposing a fine not exceeding one hundred dollars.

Sentence, according to degree of offence.

Tenth. The proceedings and sentence of every such court martial shall, without delay, be delivered to the officer ordering the court, who shall approve or disapprove thereof within fifteen days thereafter, and shall give notice of his approval or disapproval to the president of such court martial, and to the arresting officer, and he may at his discretion publish the sentence as approved or disapproved in orders; but no part of such sentence shall be executed until after the time allowed for appeals has expired; and he shall also transmit such proceedings and sentence, and his approval or disapproval thereof, to the adjutant general, to be kept in his office.

Proceedings and sentence, who delivered to for approval or disapproval, &c.

Eleventh. The right of appeal to the commander-in-chief, as it now exists by military usage, is reserved; but no appeal shall be received unless made within twenty days after the decision appealed from is made known to the person appealing.

Right of appeal.

Twelfth. The president of such court martial shall issue his warrant for the collection of all fines imposed by said court martial, directed to the sheriff of the county in which the court was held, or in which the delinquent resides, whose duty it shall be to collect such fines, in the same manner as he is authorized to collect any debt upon civil process, together with lawful costs, and the amount of fine to be paid into the state treasury.

Collection of fines.

- Compensation of members of court.** *Thirteenth.* There shall be allowed and paid out of the treasury to each division and brigade judge advocate, and to each president and member of any court of inquiry or court martial, for the trial of officers, two dollars for each day actually employed on duty, and the like compensation to every marshal appointed by any such court for every day employed in the execution of the duties required of him, and four cents per mile for each mile traveled.
- Accounts, how audited and paid.** *Fourteenth.* The accounts of all persons who, under this article, are entitled to be paid out of the treasury, shall be audited by the paymaster general, who shall, on the application of the commander-in-chief, draw his warrant on the treasury for such sums of money as may be requisite in the execution of the provisions of this act, and may require the chief of each staff department to account quarterly for all moneys received by him for purposes connected with this department.
- Regiment or battalion court martial.** *Fifteenth.* The commandant of each brigade may at any time appoint a regiment or battalion court martial for any regiment or battalion in his brigade, to consist, if practicable, of a field officer or a captain.
- Appointment of, to be published in orders, &c.** *Sixteenth.* The appointment of said court shall be published in orders at least three weeks previous to the convening of the court, and the officer appointing said court shall fix the day on which it shall convene, and when convened, the court may adjourn from time to time, as it shall become necessary for the transaction of business; but the whole session of the court, from the day on which it shall convene, until its dissolution, shall not exceed three weeks; and in case any vacancy shall happen in the court, or a new court shall be required, the officer ordering the court, or his successor in command, may fill such vacancy, or order a new court.
- Form of oath.** *Seventeenth.* The officer constituting such court, before he enters on his duties as such, shall take the following oath: "I, _____, do swear or affirm that I will well and truly try and determine, according to the evidence, all matters between the commonwealth of Pennsylvania and any person or persons which shall come before this court martial, to which I have been appointed."
- President, when and before whom to take oath.** *Eighteenth.* Such oath shall be taken by the president on or before the day on which the court shall convene, before a justice of the county in which he may reside, or a field officer of his regiment or battalion, and it shall be the duty of such justice or field officer to administer the oath without fee or reward.
- Who to summon parties.** *Nineteenth.* Such court shall direct a non-commissioned officer, or other fit person or persons to be by him designated, to summon all delinquents and parties accused, to appear before the court at a time and place to be by him appointed.
- Person designated to summon, to make return, &c.** *Twentieth.* Such non-commissioned officer, or any other person or persons so designated, shall make the like return and with the like effect, as commissioned and non-commissioned officers are authorized and required to make in cases of warning to a company or regimental parade, and shall be subject to the like penalties for neglect of duty.
- Duties and power of court.** *Twenty-first.* The court when organized shall have trial of all offences, delinquents and delinquences in the brigade, regi-

ment or battalion for which it shall have been called, and shall have power to impose, and direct to be levied, all the fines to which non-commissioned officers, musicians and privates are declared to be subject to the provisions of this act.

Twenty-second. From the sentence of any such court, imposing a fine for any offence, delinquency or deficiency, an appeal, if made within twenty days, shall be allowed to the officer instituting the court or to his successor in command, who may remit or mitigate such penalty or fine. Appeal.

Twenty-third. Such courts martial after the time of appeal shall have expired, shall issue a warrant for collection of all fines imposed by said court, directed to the sheriff or any constable of the county in which the court was held, and in which the delinquent resides, whose duty it shall be to collect such fines in the same manner as he is authorized to collect any debt upon civil process, together with lawful costs, and the amount of the fine to be paid to the county treasurer. The compensation and mileage of the officers engaged shall be the same as in division thirteen of this section. Collection of fines.

Twenty-fourth. All fines and penalties imposed by any regiment or battalion court martial, shall be paid by the officer collecting the same, to the treasurer of the city or county within which the officer constituting the court may reside, and shall belong to the military fund of such brigade. Fines and penalties to belong to military fund.

Twenty-fifth. The president of every court martial, and every court of inquiry, both before and after he has been sworn, and also the judge advocate, if required, shall issue subpoenas for all witnesses, whose attendance at such court may in his opinion be necessary in behalf of the commonwealth, and also on application for all witnesses in behalf of any officer charged or accused, or person returned as delinquent, and may direct the commandant of company to cause such subpoena to be served on any witness or member of his company. Subpoenas, who issued by.

Twenty-sixth. The president of such court martial or court of inquiry shall have power to administer the usual oath to witnesses, and shall have the same power to compel attending witnesses to be sworn and testify, and to preserve order, as courts of common law jurisdiction; and all sheriffs, jailors and constables are hereby required to execute any precept issued by such president or court for that purpose. President of court martial or court of inquiry, power of.

Twenty-seventh. Every witness not appearing in obedience to such subpoena, when duly served, and not having a sufficient or reasonable excuse, shall forfeit to the commonwealth a sum not less than ten, nor more than fifty dollars; and the president of such court shall from time to time report to the district attorney the names of such delinquent witnesses, together with the names and places of residence of the persons serving such subpoena, the better to enable him to prosecute for such forfeiture. Witnesses. penalty for not obeying subpoena.

Twenty-eighth. Whenever it shall appear to the satisfaction of any court martial, or court of inquiry, by proof made before such court, that any person duly subpoenaed to appear as a witness before said court, shall have refused or neglected, without just cause, to attend as such witness, in conformity to such subpoena, and the party in whose behalf such witness shall have been subpoenaed, shall make oath that the testimony of such witness is Court, power to issue attachments.

material, such court, or the president thereof, shall have power to issue an attachment to compel the attendance of such witness.

Execution of attachment, fees for serving, and who to pay costs,

Twenty-ninth. Every such attachment shall be executed in the same manner as a warrant, and by any officer authorized to execute warrants; and the fees of the officers serving the same, shall be paid by the person against whom the same shall have been issued, unless he shall show reasonable cause, to the satisfaction of such court, for his omission to attend; in which case the party requiring such attachment shall pay the costs; such costs shall be ascertained by the court, who may thereupon issue an execution for the collection against the person liable to pay the same, and which may be collected as other executions are collected, and by any officer authorized to collect executions issued from courts of justice.

In the absence of the president, who to preside.

Thirtieth. In the absence of the president of any court martial, the senior officer present may preside, with all the powers of the president, and all the members of such court shall, when on duty, be in full uniform; and the president of such court may appoint, by warrant under his hand and seal, one or more marshals, whose duty it shall be to execute all process lawfully issued by such court, and perform all acts and duties in this act imposed on and authorized to be performed by any sheriff or constable.

Marshals.

Appeals, relative to.

Thirty-first. Whenever the sentence of any court martial shall be appealed, the officer hearing the appeal shall require the court, or the president thereof, to furnish him forthwith with a statement of the case, and of the evidence touching the same; which statement and evidence shall, in case of an appeal to the commanding officer of the brigade, be forthwith, on notice of such appeal, transmitted to him; such statement being furnished, the officer hearing the appeal may hear further evidence by affidavit or otherwise, as the nature of the case may require; and for that purpose he shall have power to administer the usual oaths to witnesses, except in cases where trials may have been had upon charges preferred; this division shall also extend to appeals made from the order of an officer approving the sentence of a court martial.

Warrants for the collection of fines.

Thirty-second. Any warrant issued for the collection of fines and costs, may be renewed from time to time by the officer issuing the same, or in the same manner executions issued from courts of justice may by law be renewed; and it shall be the duty of the presidents of the several courts martial, to prosecute in the name of the commonwealth, any marshal or constable who shall incur any penalty for neglect in the execution or return of any warrant, or in paying over any moneys collected by him.

To prosecute in the name of the commonwealth.

Fines and penalties, where paid.

Thirty-third. All fines and penalties not otherwise applied in this act, shall, when collected, be paid into the treasury, and belong to the military fund of the county where the same shall be collected.

OF PENALTIES AND FINES FOR VIOLATING THE PROVISIONS OF THIS ACT.

Commissioned officer, penalty for disobedience of orders.

SECTION 13. *First.* Every commissioned officer for disobedience of orders, neglect, unofficer-like conduct, or disrespect to a superior officer, or for a neglect to furnish himself with

a uniform and equipments, shall be arrested and brought to trial before a court martial, who may on conviction, sentence him to be cashiered, incapacitated from holding any military commission, or fined to an amount not exceeding five dollars, or to be reprimanded, or may sentence him to all or either of such penalties, in their discretion.

Second. Every commissioned officer refusing to pay over moneys in his hands, as is directed by the provisions of this act, shall be liable to be tried and cashiered, or otherwise punished therefor by a court martial. Refusing to pay over money: penalty for.

Third. Every commissioned officer, non-commissioned officer, musician and private shall, on due conviction, be subject for the following offences to the fines annexed: Every non-commissioned officer, musician and private for non-appearance when duly warned or summoned at a company parade, a fine of two dollars; at a regimental or battalion parade or encampment, two dollars; and at a place of rendezvous when called into actual service, a sum not exceeding twelve months' pay, nor less than one month's pay; every commissioned officer for non-attendance at any parade or encampment, and every such officer, non-commissioned officer, musician and private for neglecting or refusing to obey the orders of his superior officers on any day of parade or encampment, or to perform such military duty or exercise as may be required, or departing from his colors, post or guard, or leaving his place or ranks without permission, a fine of not more than ten dollars, nor less than two dollars; for neglecting or refusing to obey any order or warrant to him lawfully given or directed, or to make a proper return thereof, if such return be necessary, or making a false return, or neglecting or refusing, when required, to summon a delinquent before a court martial, or duly to return such summons, a fine not more than ten nor less than two dollars. Officers, privates, &c., penalties and fines attached to certain offences.

Fourth. The court martial by which any delinquent is tried, may excuse such delinquent, if it shall be made satisfactorily to appear to the court that he has a reasonable excuse for such delinquency. Delinquents may be excused.

Fifth. No action shall be maintained against any member of a court martial, or officer or agent acting under its authority, on account of the imposition of a fine, or the execution of a sentence on any person, if such person shall have been returned as a delinquent, and duly summoned, and shall have neglected to appear and render his excuse for such delinquency, or show his exemption before such court. Members of court martial, relative to.

Sixth. When a suit or proceedings shall be commenced in any court by any person, against any officer of this state, for any act done by such officer in his official capacity in the discharge of any duty under this act, or against any person acting under authority or order of any such officer, or by virtue of any warrant issued by him pursuant to law, or against any collector or receiver of taxes, the defendant may require the plaintiff in such suit to file security for the payment of the costs that may be incurred by the defendant in such suit or proceeding, and the defendant in all cases may plead the general issue, and give the special matter in evidence; and in case the plaintiff shall be Proceedings against an officer in his official capacity, relative to.

non-suited, or have a verdict or judgment against him, the defendant shall recover treble costs.

OF THE GRAND STAFF OF THE MILITIA OF THIS COMMONWEALTH.

- SECTION 14. *First.* That the grand staff of the militia of this commonwealth shall, in addition to the commander-in-chief, who shall have twenty aids, being one in each division, with the rank of lieutenant colonel, appointed and commissioned by him for the term of his office, and no person shall be eligible to this appointment by the governor, who shall not have previously held the commission of captain, consist of an adjutant general, who shall until otherwise ordered, act as quarter-master general, commissary general, inspector general, paymaster general, judge advocate general and engineer-in-chief, with the rank of lieutenant colonel, who shall be appointed and commissioned by the commander-in-chief for three years from and after the passage of this act, and who shall have his office located at Harrisburg, with the other departments of state.
- Second.* That it shall be the duty of the adjutant general to record and distribute all orders from the commander-in-chief to the several officers of the militia; to furnish, whenever required, each commandant of brigade and division, with one complete set of all forms used in the transaction of the military business of the commonwealth; to give explanations and information on all matters connected with the military duty to division and brigade commandants, whenever requested by them; to keep a roster of all the officers of the militia of the state, showing the name, rank, date of commission, office and residence of each, and also of the divisions, brigades, regiments, battalions and companies thereof, properly numbered, lettered and named, and to revise said roster and annually correct the same in such form as the commander-in-chief shall direct; to receive and file all returns made to him, according to law and regulation, and annually make a detailed report thereof to the governor, to be submitted to the legislature, particularly stating the number of militia in each brigade, and the kind and number of uniformed troops or corps therein respectively, and transmit a duplicate thereof to the President of the United States, and to perform such other duties as may properly appertain to his office, or which may be enjoined upon him by the commander-in-chief.
- Third.* That it shall be the duty of the adjutant general, acting as inspector general, to visit the arsenals and examine the military property and things therein deposited; to inquire and determine whether the regulations respecting their preservation and safe keeping are duly observed; to inspect every branch of the military service of the commonwealth; to attend at all camps of instruction ordered by the commander-in-chief, and as may be consistent with his other duties, at all other encampments; to report annually, with such recommendations and suggestions as he may deem proper, to the commander-in-chief, on the existing state of discipline in the service, and to perform such other duties appertaining to his office, as may be enjoined upon by the regulations or the commander-in-chief.
- Te act as inspector general, visit arsenals, &c.*

Fourth. That it shall be the duty of the adjutant general to issue the allowances of ordnance, arms and military property authorized to be distributed to the brigade inspectors of each brigade; to prosecute in the name of the commonwealth, all bonds for the safe keeping and return of the same, the conditions of which may be violated by any officer of the militia; to take charge of the arsenals and magazines of the commonwealth, and shall make the necessary contracts for keeping the same in good repair; to procure or cause to be procured and attend to the due preservation and safe keeping and necessary cleaning and repairing of all ordnance, arms, implements, equipage and military property of the commonwealth deposited therein; to purchase, at the expense of the state, the articles that may be necessary to keep all such property in suitable order and preservation; to issue the necessary equipage for every camp of instruction ordered by the commander-in-chief, to the proper officers, taking full and sufficient bonds for the safe return from such officers, and to make an annual report, with such recommendations and suggestions as he may deem proper, to the governor, to be submitted to the legislature, setting forth a true and particular statement of the actual disposition and situation of all the property and things confided to his charge and keeping, with a just and true account of all expenses in and about his department. He shall perform such other duties appertaining to his office, as shall be enjoined upon him by law, regulation, or order of the commander-in-chief, and for the purposes of his office shall have at all times, subject to the order of the commander-in-chief, the control and disposition of the property entrusted to him.

Further duties of
adjutant gen-
eral.

Sixth. That the several departments of the grand staff shall be furnished out of the military fund of this commonwealth, with all the books and stationery required by them in the performance of their duties, and shall be allowed, in the settlement of their accounts, for all forms furnished by them, for all necessary printing authorized by law or regulation to be done by them, for postage on all letters and packages from or to them on military business of the commonwealth, and for all traveling and other proper incidental expenses in or about the departments, to be settled with the paymaster general and paid at the treasury on his draft, countersigned and approved by the auditor general and commander-in-chief.

Departments of
the grand staff,
certain expenses
of, how paid.

Seventh. That the commander-in-chief is hereby authorized to appoint a military storekeeper for each arsenal, who shall hold his office during the pleasure of the commander-in-chief, and shall perform the duties now required by law to be performed by the keepers of arsenals, and who shall each receive for his service three hundred dollars per annum, payable quarterly, but, before entering upon the duties of his office, they shall each give bonds, with two sufficient sureties, to the commonwealth, to be approved by the judges of the court of common pleas of the proper county, in such amounts as shall be designated by the said adjutant general, for the faithful performance of all the duties required of them; and in case any arms or military property belonging to this commonwealth shall have been or may hereafter be destroyed, by accidental burning of any house or

Military store-
keeper. appoint-
ment of.

Compensation
for services.

To give bond.

other building where such arms or other property may have been deposited, on oath or affirmation of the fact, the adjutant general shall make a record thereof and release the said keepers of arsenals and all parties concerned from all responsibility with respect to such arms or military property.

Adjutant general, assistant and clerk, salaries of, how paid.

To give bond, &c.

Eighth. That the salary of the adjutant general, and his assistant and clerk, shall be paid out of the general military fund; and all other salaries, expenses and compensations in this act provided, and shall be paid out of the several military funds respectively in the division in which the same are rendered, and not otherwise; that the adjutant general, before entering upon the duties of his office, shall give bond with one or more sureties, to be approved by the governor; which bond shall be taken in the name and for the use of the commonwealth of Pennsylvania, and filed in the office of the secretary of state, in such sum, not less than two thousand dollars, as the governor may deem sufficient, conditioned for the true and faithful performance of his duties, and the safe delivery to his successor of all books and papers and military property belonging to his office; and in case of the death of the adjutant general, his executors or administrators shall, under the penalty of the amount named in such bond, safely deliver all books and papers belonging to the office of said officer, to any person appointed by the governor to receive the same; which penalty shall be recovered in the name and for the use of the commonwealth of Pennsylvania.

Salary and compensation of adjutant general.

Ninth. That the salary and compensation, in lieu of personal services of the adjutant general, shall be six hundred dollars annually, payable quarterly; and there shall be paid for military services rendered to this commonwealth, for which no payment is stipulated in this act, such compensation as is now or may hereafter be provided.

Secretary of the commonwealth, duty of.

SECTION 15. That the secretary of the commonwealth shall cause a sufficient number of copies of this act, and all other acts not superseded by this act, to be printed in pamphlet form, properly indexed, to furnish every commissioned officer, county and city commissioners, assessors, collectors and receivers of taxes, with a copy thereof; and also all such rules and regulations as may, in pursuance hereof, be made and established by the commander-in-chief, who, in preparing the same, shall be governed by the rules and regulations of the army of the United States, so far as may seem expedient and proper for the government of the militia of this commonwealth.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 448.

A N A C T

To incorporate the Green and Coates Street Philadelphia Passenger Railway Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Harry Connelly, George Read, David Scull, George A. Binder, Commissioners. Henry Crilly, Hugh Clark, James F. Stileman, Willoughby Rex, Samuel B. Jones, Abel C. T. Smith, William Donnie, Henry Gerker, Lewis Shinnick, Samuel Whilt, William Read, John Schaffer, James J. Arbuckle, George Fritz, Daniel Hensil, John Deemer, A. Eugene Smith, Frederick Gerker, Milton Miller, George W. Hamersly, Peter Fisher, Andrew M'Bride, Charles Wister, Alfred R. Lentz, Daniel T. Moore, William M. Wilson, Alexander Crawford, Wilson Kerr, Eugene Woodward, John P. Rice, John Streper, Thomas Hankinson, or a majority of them, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company by the name, style Style. and title of the Green and Coates Street Philadelphia Passenger railway company, with power and authority to construct a passenger railway beginning at Oak street, running west along Route. Green street to Twenty-second street; thence northwardly along Twenty-second to Coates street; thence westwardly along Coates street, with a double track to river Schuylkill; thence eastwardly along Coates street to the place of beginning, subject to all the Subject to. provisions and restrictions of an act regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same is not altered or repealed by this act; and the said Green and Coates Street Philadelphia Passenger railway company shall have the right to cross at May cross at grade and connect with other railways, &c. grade, and to connect with any other railroad now built, or that may hereafter be built in the city of Philadelphia.

SECTION 2. That the capital stock of the said company shall Capital. consist of two thousand shares of fifty dollars each; and that the said company may from time to time, by a vote of the stockholders at a meeting called for that purpose, of which meeting thirty days' notice shall be given in two or more papers in the city of Philadelphia, increase the capital stock to an amount sufficient to carry out the true intent and meaning of this act; for the purpose of completing and equipping the said railway, the said company shall have the power of borrowing any sum of May borrow money, &c. money, not exceeding one hundred thousand dollars, at a rate of interest not exceeding seven per centum per annum, and to secure the payment of the same by the issue of a bond and mortgage of the said railway, together with the corporate rights and franchises granted by this act, and to annex to the said bond and

mortgage the privilege of converting the same into the capital stock of the said company, at par, at the option of the holders, if they shall signify their election one year before the maturing of the same: *Provided*, That the said company shall issue no certificate of loan of a less denomination than one hundred dollars.

Proviso.

Consent of councils to be obtained.

SECTION 3. That the said road shall be used exclusively as a passenger railway, by horse locomotion, and that the guage of said road shall be five feet two inches; and before the said company shall use and occupy the said streets, the consent of the councils of the city of Philadelphia shall be given; and said consent shall be taken and deemed to be given, if the said councils shall not, within thirty days after the passage of this act, by ordinance duly passed, signify their disapproval thereof; and said councils may from time to time, by ordinance, establish such regulations in regard to said railway as may be required

Paving, grading, &c., relative to.

for the paving, re-paving, grading, culverting and laying of water and gas pipe in and along said streets, and to prevent obstructions thereon; and the said company, before commencing to use said streets, shall purchase, at the option of the owners,

Purchase of omnibuses, &c.

the stock of horses, omnibuses, sleighs and harness owned and used upon said streets at the time of commencing the said road,

Price of, how assessed.

at a price to be assessed in the following manner:—The said owners shall choose one disinterested person, and the said company shall choose a second person, and the two thus chosen shall choose a third, who, together, shall be disinterested persons, and shall appraise such stock, and the value thus arrived at shall be binding and final.

Must conform to grades of streets.

SECTION 4. That it is hereby provided that the said Green and Coates Street Philadelphia Passenger railway company shall, in constructing their branch along the highways referred to, conform to the grades established, or which may hereafter be established by the board of surveyors of the city of Philadelphia, and be subject to any ordinances passed by the councils of the said city relating thereto: *Provided*, That the streets thus occupied by the aforesaid railway company, shall be kept in repair by the said company: *And provided further*, That said passenger railway shall have power to cross all railroad tracks of all railroad companies now incorporated, or hereafter to be incorporated, whose grade conform to theirs.

Streets to be kept in order by company.

Not to connect with any other than passenger railways.

Freight cars prohibited.

SECTION 5. That the said railway company shall not connect with any railroad, other than for passenger purposes and of the same guage; and no freight or freight cars shall be permitted to pass over said railway, under the penalty of a forfeiture of its charter; and the said company shall annually pay into the treasury of the city of Philadelphia, for the use of said city, whenever the dividend shall exceed six per centum per annum on the capital stock, the sum of six per centum on the excess above six per centum thus declared: *Provided further*, That any passenger railroad that is now or may be hereafter incorporated, connecting with or crossing the same, shall have the right to run their cars upon said road, upon terms to be agreed upon by said parties interested; and if the said parties cannot agree, then the district court of the city of Philadelphia shall, upon petition presented by either party, appoint two persons

Proviso.

who shall fix the amount to be paid by the parties using the same.

SECTION 6. And it is hereby provided, that the said company hereby incorporated shall have the right to run their cars upon any other passenger railway now incorporated, or that may be hereafter incorporated in said city of Philadelphia, upon such terms as provided for in section five. Right to run upon other rail-ways.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 449.

A FURTHER SUPPLEMENT

To the act incorporating the City of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the city councils of Philadelphia shall have authority, by ordinance, to direct owners of docks and wharf property to clean their docks, after certain notification by the proper officer of the city government, with power, in case of refusal or neglect on the part of any parties thus notified, to cleanse such docks, and to enter liens against the surrounding property for its respective proportion of the expense attending such work.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 450.

A N A C T

Authorizing the State Treasurer to pay John Nill, late Collector at Harrisburg, the Money due him on Settlement.

WHEREAS, By an act passed the twenty-eighth day of April, one thousand eight hundred and fifty-seven, John Nill, late collector at Harrisburg, was allowed a credit of twenty dollars :

And whereas, At said time he owed on the books of the auditor general and state treasurer, the sum of eight dollars and six cents, and there was coming to him the balance of eleven dollars and ninety-four cents ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer shall pay to said John Nill, out of any money in the treasury, the sum of eleven dollars and ninety-four cents, in full of the balance due him on settlement of his accounts.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 451.

A S U P P L E M E N T

To an act extending the jurisdiction of the Courts of this Commonwealth in Cases of Divorce, passed the ninth day of March, one thousand eight hundred and fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the jurisdiction conferred in and by the said act to which this is a supplement, is hereby extended to all cases of divorce from the bonds of matrimony, for the causes therein mentioned, where either of the parties were or may be at the time of the occurring

of said cause, domiciled in another state or country: *Provided*, That no application for such divorce shall be made, unless the applicant therefor shall be a citizen of this commonwealth, or shall have resided therein for the term of one year, as provided by the existing laws of this commonwealth.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 452.

A N A C T

To extend the Charter of the Fitzwatertown and Moorland Turnpike Road Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the charter of the Fitzwatertown and Moorland turnpike road company be and the same is hereby extended for the term of five years.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 453.

A N A C T

Relative to the House of Refuge in Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the board of managers of the House of Refuge, for the reformation of juvenile delinquents, in Philadelphia, are hereby authorized, whenever they may deem it for the interest of any colored inmate duly committed to their custody, to bind or indenture such colored inmate to service during his or her minority, although the party to whom the indenture may be made may be a citizen of one of the United States, other than this commonwealth: Provided, That no such indenture to service out of this commonwealth, shall be made without the consent first given of such colored inmate: Provided further, That the said board of managers are not permitted to bind such colored inmates to persons residing within slave states.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 454.

A N A C T

To establish a Ferry over the Ohio River at or near Guy's Mill, in Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*
 Ferry authorized Andrew Beggs, his heirs and assigns, shall have the right and privilege, at their own expense, to make good and convenient landings on the north and south sides of the Ohio river, at and near his residence in Moon township, Allegheny county, on the south side, and at and near the public landing above Guy's steam

saw mill on the north side, in Ohio township, in the same county, and to use the river between said landings as a public ferry.

SECTION 2. That the said Andrew Beggs, his heirs and assigns, Duty of owner shall keep the said landing and ferry in good order and repair, fit for the transportation and passage of travelers, teams and carriages of all descriptions, and keep good and sufficient boats, and other crafts, and competent and careful ferryman, who shall constantly, as occasion may require, attend for the purpose of carrying passengers, teams and carriages across the river with all reasonable diligence and care.

SECTION 3. That the said Andrew Beggs, his heirs and assigns, Tolls. as a remuneration for keeping up and in good repair the said landings and ferry as aforesaid, shall receive such tolls as may be prescribed by the court of quarter sessions of Allegheny county, for carrying persons, teams, carriages, horses, and other animals.

SECTION 4. That if any person or persons shall wilfully in- Penalty for in-jure, destroy, or take from its moorings, any craft or boat be- juries to work. belonging to said ferry, he, she, or they so offending shall each of them forfeit and pay to the said Andrew Beggs, his heirs and assigns, the sum of twenty dollars, in addition to all damages sustained by the said Andrew Beggs, his heirs or assigns, to be recovered as debts of a like amount are recoverable.

SECTION 5. That all persons are hereby prohibited from using Restrictions. the said river for the purpose of a ferry, one hundred yards above and one hundred yards below the said ferry; and any person or persons violating the provisions of this act, shall forfeit and pay to the said Andrew Beggs, his heirs and assigns, the sum of one dollar for every traveler, team, head of cattle, horse, or carriage carried over the said river, within the said above named bounds: *Provided*, That nothing in this act con- Proviso. tained shall be construed to prevent persons owning the shore within the said limits, from transporting persons and property free of charge.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 455.

A N A C T

To authorize Mrs. Mary Ellis to erect Cribs and form a Log Harbor in the West Branch of the Susquehanna River.

Preamble.

WHEREAS, Mrs. Mary Ellis owns the land lying between the river and West Branch canal, situate in Lycoming township, and county of Lycoming, which land she now uses for piling lumber upon, and said piling ground is not safe from high water:

And whereas, The said Mary Ellis intends building and constructing saw mills and making improvements on said piece of ground lying between said canal and river, for the purposes of manufacturing lumber and piling and shipping lumber therefrom; therefore,

Authorized to
erect cribs or
piers, &c.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Mrs. Mary Ellis, of the borough of Williamsport, in the county of Lycoming, her heirs or assigns, be and they are hereby authorized to erect and maintain cribs or piers, with the necessary fastenings to said cribs to make a secure harbor for logs along the front of her said property: *Provided,* That this act shall not authorize the said Mary Ellis, her heirs or assigns, to place or maintain any boom or booms upon said river.

Where to be built
and size of.

SECTION 2. That the said cribs or piers are not to be built or constructed any further up nor down the West Branch of the Susquehanna river than her land extends in Lycoming township, in said county; said cribs or piers to be of such size and dimensions as the said Mary Ellis may see fit to build them: *Provided,* That it shall not do any damage to private property, or interfere with the rafting channel of said river.

Proviso.

Penalty for inju-
ries to work.

SECTION 3. That if any person or persons shall wilfully or maliciously injure or destroy any part of the timber work or fastenings connected therewith, or cut loose or untie any rope, saw logs or rafts of timber, or boats, which may be in said harbor, or attached to said cribs or fastenings, he or they, upon conviction thereof, shall pay the amount of the damage to the owner or owners, to be recovered by action of trespass, and further to be liable to indictment and prosecution before the court of quarter sessions of the proper county, for a misdemeanor, and upon conviction shall be sentenced to pay a fine for the use of the county, not exceeding one hundred dollars, and suffer imprisonment in the county jail, not exceeding thirty days.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 456.

SUPPLEMENT

To an act increasing the Width of Diamond Alley, and extending Union Street, in the city of Pittsburg, approved May sixteenth, one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That for increasing the width of Diamond alley, as provided by the act to which this is a supplement, only ten feet be taken from the lots on which is erected the edifice of St. Peter's church, so long as the said edifice shall stand.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 457.

AN ACT

In relation to hunting Wild Game in Clinton county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all persons are prohibited from hunting, killing, or trapping deer in the county of Clinton, between the first day of January and the fifteenth day of August, in each and every year hereafter.* Hunting or killing deer, when prohibited.

SECTION 2. That any person or persons offending against the provisions of the aforesaid section, and upon conviction thereof, shall be punished by fine not to exceed twenty-five dollars and not less than ten dollars, for the use of the county. Fine.

SECTION 3. That any person or persons who shall wilfully shoot, poison, trap, or otherwise injure, destroy, or kill any hunting dog in said county, when in pursuit of game, or at any other time, he or they shall upon conviction thereof, pay the full For killing or destroying any hunting dog.

value of said dog to the owner, and pay a fine of twenty dollars for the use of the county.

Justices of the peace, powers of under this act.

SECTION 4. That violations of the provisions of this act shall be cognizable before any justice of the peace in and for said county of Clinton.

Dogs to be taxed and returned.

SECTION 5. That to make this act available to the owner of any dog or dogs, it shall be the duty of such owner to return a description of them to the collector of taxes, and pay to him one dollar as a tax upon each and every dog, each and every year, which tax shall be paid into the county treasury for county purposes.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 458.

A N A C T

To perfect the Title to Lots in a Burial Ground in the Borough of Columbia.

Title to certain burial lots perfected.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the title of the trustees of Susquehanna Lodge number eighty, of the Independent Order of Odd Fellows, to eighty-six lots of ground in the new cemetery laid out by J. H. Mifflin, in the borough Columbia, and for which said Mifflin, since the death of his wife Elizabeth A. B. Mifflin, in pursuance of a contract made and purchase money paid in the lifetime of said Mrs. Mifflin, did execute and deliver a deed to said trustees, is hereby confirmed and made valid, legal and effectual, in law and equity, the same as if made in her lifetime and joined in by her.

To certain other lots made valid.

SECTION 2. That all other titles for lots in said cemetery, made by said J. H. Mifflin, to individuals or associations or societies, are hereby ratified, confirmed and made valid and effectual in law and equity.

Burial lots not to be taken in execution, &c.

SECTION 3. That no burial lots, or portions of ground in said new cemetery, whether the property of societies or individuals, shall at any time hereafter be taken in execution to satisfy any debt or judgment.

SECTION 4. That any person or persons marking or mutilating, or breaking any of the grave stones or monuments, or breaking down fences, or destroying shrubbery or vines or trees, or pulling flowers, or climbing within the enclosure of any lot, or firing or discharging guns or pistols in the said new cemetery, or any other cemetery or burial ground in the borough of Columbia, shall for every offence forfeit and pay not less than five, nor more than fifty dollars, to be recovered by any person suing for the same, which shall be recoverable before any justice of the peace, as debts of like amount are by law recoverable.

Penalty for mutilating grave stones, injuring property, &c.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 459.

A N A C T

For the erection of a Monument to the memory of Citizens of Pennsylvania, who were slain or lost their lives in the late war with Mexico.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the governor, the adjutant general, Edward C. Williams, Peter Fritz, James Page, John W. Geary, B. M'Dermot, Thomas J. Power, John K. Shryock, John Brady, Isaac S. Waterbury, Richard Coulter, E. L. Danna, Robert Anderson, O. H. Rippey, George Nelson Smith and William A. Todd, are hereby constituted and appointed commissioners to contract for, and superintend the erection of a monument to the memory of citizens of Pennsylvania, who were slain or lost their lives in the late war with Mexico, to be erected on some spot on the public grounds at Harrisburg, to be selected by the said commissioners.

Commissioners to superintend erection of monument.

SECTION 2. That the said commissioners shall have power to select a plan and specifications, and issue proposals for the erection of the said monument, and award a contract for the same to the lowest bidder, if they deem him a competent and reliable person.

Powers

SECTION 3. That the sum of six thousand dollars is hereby appropriated out of the state treasury, to defray the expenses of

Amount appropriated.

LAWS OF PENNSYLVANIA,

carrying out the provisions of this act, and it shall be expended under the direction and control of said commissioners.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 460.

A SUPPLEMENT

To the act of sixteenth June, one thousand eight hundred and thirty-six, entitled "An Act relating to Executions."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That so much of the act to which this is a supplement, as relates to the appointment of sequestrators in cases where judgments have been obtained against corporations, executions issued thereon and returned unsatisfied, is hereby declared not to apply to any unfinished railroad: Provided, That nothing herein contained shall be so construed as to prevent a sequestrator from taking custody of the receipts and revenues of any portion of any such road that may be so far completed as to be in running order.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 461.

A N A C T

To restore David Fuller, of Somerset county, to the Rights of Citizenship.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That David Fuller, of the county of Somerset, be and he is hereby restored to all the rights and privileges which he enjoyed as a citizen of this commonwealth, prior to his conviction in the court of quarter sessions of Somerset county of the crime of larceny.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 462.

A N A C T

Relating to the Administration of Justice in Clarion County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of an act, entitled "An Act relating to the administration of justice in the county of Mercer," approved the eleventh day of February, one thousand eight hundred and forty-seven, be and the same are hereby extended to the court of common pleas of Clarion county.

Provisions of certain act extended to Clarion county

SECTION 2. That in all actions founded upon book account, hereafter to be brought in said court, when the plaintiff or plaintiffs therein shall reside out of the county, a copy of the book account supported by affidavit, such as is provided for in the act referred to in the foregoing section, shall be deemed *prima facie* evidence before arbitrators trying such action under the provisions of the compulsory arbitration law, and shall entitle

Actions founded upon book account, relative to

Provide

the plaintiff or plaintiffs to recover therein, unless rebutted by an affidavit of defence on the part of the defendant or defendants, as provided for by the act aforesaid: *Provided*, That the plaintiff's claim and affidavit shall be filed at or before the entering of the rule of reference and the defendant's affidavit of defence, at or before the time of choosing arbitrators in pursuance of said rule.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.
WM. F. PACKER.

No. 463.

AN ACT

To incorporate the Jamestown Seminary.

Institution es-
tablished.

Styic.
Management of.

First trustees.

Powers

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That there be and is hereby established within the borough of Jamestown, in the county of Mercer, an institution of learning in any and all the useful and ornamental branches of learning and education, by the name and style of the Jamestown seminary; the said seminary to be under the management, direction and control of seven trustees, who shall appoint one of their number as president, one person as treasurer, and one person as secretary; four of said trustees shall constitute a quorum, and be competent to fill vacancies in their own body; also, to prescribe the duties authorized and required to be performed by the different officers whom they may select.

SECTION 2. That the first trustees of said seminary shall consist of the following persons, to wit: William Gibson, S. G. Clark, John Carr, Jacob Rogers, William Douthet, W. W. Neverson and H. H. Hervey, which said trustees, and their successors to be hereinafter elected by the stockholders of said seminary, shall forever hereafter be and they are hereby erected into and declared to be a body politic and corporate, with perpetual succession, and with all the incidents of a corporation in deed and in law, to all intents and purposes whatsoever, by the name, style and title of the trustees of the Jamestown seminary; by which name, style and title the said trustees and their successors, shall be able and capable at law and in equity, to purchase, take,

hold and possess to themselves and their successors, for the use of the said seminary, in any estate, in any messuages, lands, tenements, goods, chattels, moneys, or other effects, by gift, grant, bargain, sale, conveyance, assignance, will, devise or bequest of any person or persons, or corporations, whatsoever: *Provided*, That the annual income of the same, inclusive of the income of receipts from the pupils, their parents or guardians, does not exceed the yearly value of six thousand dollars; and the same messuages, lands, tenements, hereditaments and estates, real and personal, to grant, bargain, sell, convey, assign, demise, rent, lease, and to farm, let, and to place out on interest, or otherwise to dispose of, or invest for the use of the said seminary, or to the stockholders; and to erect the necessary buildings thereon for the use of said seminary, in such manner as shall seem to them most beneficial, and to receive the rents, issues, profits and income of the same, and to apply the same in dividends among the said stockholders in proportion to the amount of stock held by each person; and by the same name to sue, commence actions, prosecute and defend, implead and be impleaded in any court of law or equity, and in all manner of suits and actions whatsoever, and to transact all matters and things incident thereto as fully and effectually as any natural person or body politic or corporate have power to manage their concerns.

SECTION 3. That the said corporation may cause to be made for their use a common and corporate seal, by which, and all deeds, certificates and appointments and acts of said corporation shall pass and be authenticated, and the same seal at their pleasure to break, alter, or renew.

SECTION 4. That the said trustees herein named, are hereby authorized to open books on or before the first day of January next, and enter therein as follows:—We whose names are hereinto subscribed, do promise to pay to the trustees of the Jamestown seminary, the sum of twenty-five dollars for each and every share of stock set opposite our respective names, in such manner and proportions, and at such time or times as shall be required by said trustees; and shall therefor proceed to receive, at present, and until otherwise determined by a majority of the trustees, for the time being, subscriptions for the stock of said corporation, not exceeding the sum of six thousand dollars, divided into shares of twenty dollars each, payable at such times and places, and instalments, as they may deem advisable; and it shall be lawful for any person or persons, body politic or corporate, to subscribe for as many shares as he, she, or they may think proper.

SECTION 5. That said trustees shall be and are hereby authorized to issue certificates of stock, in shares of twenty-five dollars, to the amount which may be hereafter respectfully subscribed and paid by individuals or bodies politic or corporate, to and for the use and benefit of said seminary; which certificate, signed by the president and secretary of said board of trustees, shall be issued to the persons, or to their heirs and legal representatives of all persons, bodies politic or corporate, who have so as aforesaid subscribed and paid, or who may at any time hereafter subscribe and pay, and shall be entered into a book

Proviso.

Seal.

Trustees to open books, receive subscriptions to stock, &c.

Certificates of stock, issuing of, relative to.

kept by said secretary for that purpose; in which also shall be entered every transfer of such certificates which may be duly made in the presence of, and attested by the president of said board of trustees.

Elections, where held.

SECTION 6. That there shall be held an election of trustees of said seminary, in the place of the board of trustees appointed by this act, on the first Monday of January next ensuing the passage of this act, and on the same day each year thereafter at the building occupied by said seminary; at which time and place the trustees shall give at least twenty days' notice in one or more papers, one of which printed in Mercer county; which said election shall be conducted by any two of the existing trustees appointed by the board for that purpose; and any stockholder shall be allowed to vote, at such election, in the ratio of one vote for each share of stock which he or she shall or may own or hold, and standing in his or her name on the book of the corporation at the time of such election: *Provided however*, That if by any cause said election for trustees shall not be held at any time designated in this section, then it may and will be proper, and in the power of any ten or more of the actual stockholders, to be held the said election, upon giving at least twenty days' previous notice as aforesaid of the time and place of holding the same; and it shall be in the power of the existing trustees to retain their authority until their successors are duly and legally elected as aforesaid.

Notice of to be published.

Proviso.

Secretary, duty of.

SECTION 7. That the secretary of the board of trustees shall keep a correct record of the proceedings of the board, in a book provided for that purpose; and it shall be the duty of the board of trustees, to present a detail report of their proceedings, and of the condition and operation of the treasury, to a public meeting of the stockholders, within thirty days of the expiration of the term which said trustees may have been elected, and not less than ten days before the expiration of the said term; which report, together with the books of the corporation, shall be open, at all proper times, to the examination of all persons interested as stockholders of said corporation.

Board of trustees, duty of.

Treasurer, duty of.

SECTION 8. That the treasurer shall receive and hold all money belonging to said corporation, and pay out the same to the order of the board, signed by the president and secretary; and he shall keep fair accounts thereof, which shall be audited and settled by the trustees, in the same manner as the accounts of common school districts are now by law audited and settled; and before entering on the duties of his office, shall give a bond with one or more sufficient securities, to be approved by the president and secretary, in a sum equal to double the estimated amount of money to be received by him, conditioned for the faithful discharge of the duties of his office, and the payment of all moneys remaining in his hands at the end of the year, to his successor in office; and the secretary and treasurer may receive such compensation as may be thought reasonable by the board of directors.

To give bond.

Auditors, election and duties of

SECTION 9. That at the same time and place for the annual election of trustees, the stockholders shall also elect from among their own number, three auditors, whose duty it shall be to investigate and audit the accounts of the out-going trustees and

treasurer, and present a written report of their proceedings to a meeting of stockholders, which meeting shall be the same called to hear the annual report of the trustees.

SECTION 10. That the said trustees may, if they deem expedient, lease and hire out the real estate and effects of said corporation, to a competent teacher or teachers, and receive and collect rent and compensation for the use of such real and personal estate, and to be divided ratably among the stockholders, after first deducting all necessary charges and expenses for repairs and the due management of the affairs of said corporation. Real estate may be leased.

SECTION 11. That persons of every religious denomination shall be capable of being elected trustees or appointed professors and teachers, nor shall any person, either as trustee, professor, tutor or pupil, be refused admittance into said seminary, or denied any of the privileges, immunities or advantages thereof, for or on account of his sentiments in matters of religion. No religious test to be exacted.

SECTION 12. That the faculty shall have power to confer such literary degrees and academic honors as are usually granted by colleges, upon such pupils as shall have completed, in a satisfactory manner, the prescribed course of study; also that the premises now or to be hereafter occupied by the said seminary, also the appurtenances thereunto belonging, shall be and is hereby exempt from borough, road, poor and school tax, so long as the said organization shall continue for said educational purposes. Degrees.
Premises exempt from certain taxes.

SECTION 13. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from the said corporation: *Provided*, That the intent of the parties shall sufficiently appear on the part of the gift, grant, will or other writings, whereby any estate or interest was intended to pass to or from said corporation. Misnomer.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 464.

SUPPLEMENT

To an act approved the seventeenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That so soon as the canal commissioners have made a personal examination of the claim of Samuel Coolbaugh, and ascertained the amount of damages to which he is entitled, they shall certify the same to the auditor general and state treasurer, and that the amount so reported shall be paid by the state treasurer out of any money in the treasury not otherwise appropriated. .

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 465.

AN ACT

Concerning the appointment of Road Viewers and Road Damages in Northampton county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That hereafter in the county of Northampton, a majority of the viewers to lay out or vacate roads, or assess damages arising from the opening of public roads, shall in all cases be selected from the citizens of the township or townships within which the road proposed to be laid out or vacated may be situated, or through which the same may pass.

Road viewers,
how selected.

Damages, how
paid.

SECTION 2. That hereafter all assessments for damages arising from the opening of any public road or roads in the county of Northampton, shall be paid by the respective townships or bor-

oughs in which the same may be located ; and the supervisors, or members of the town council of said townships or boroughs, are hereby authorized to levy a tax for the payment of such awards or damages, after the same shall have been affirmed by the court of quarter sessions. Tax, how levied
to pay damages.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 466.

A N A C T

To Apportion the City of Philadelphia into single Senatorial and Representative Districts, agreeably to the provisions of the Constitution.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That until the next septennial enumeration of the taxable inhabitants of the commonwealth, and an apportionment thereon, the first senatorial district, composed of the city of Philadelphia, shall be apportioned into four single districts, upon a ratio of twenty-six thousand and eighty-four, as follows : Ratio for senators

The first single district shall be composed of the First, Second, Third, Fourth, Seventh and Eighth wards.

The second single district shall be composed of the Ninth, Tenth, Thirteenth, Fourteenth and Fifteenth wards.

The third single district shall be composed of the Fifth, Sixth, Eleventh, Twelfth, Sixteenth, Seventeenth and Eighteenth wards.

The fourth single district shall be composed of the Nineteenth, Twentieth, Twenty-first Twenty-second, Twenty-third and Twenty-fourth wards.

SECTION 2. That the senators shall be elected in said districts at the following times, to wit : Time of electing
senators.

In the first district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and sixty.

In the second district, one senator shall be chosen at the gen-

eral election in the year of our Lord one thousand eight hundred and fifty-nine.

In the third district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-eight.

In the fourth district, one senator shall be chosen at the general election in the year of our Lord one thousand eight hundred and fifty-nine.

Ratio for House
of Representa-
tives.

SECTION 3. That until the next septennial enumeration of the taxable inhabitants of the commonwealth, and apportionment thereon made, the city of Philadelphia shall be apportioned into seventeen districts for the election of members of the House of Representatives, at a ratio of five thousand nine hundred and seventy-six, as follows, to wit :

Districts, how
formed.

The first district shall be composed of the First ward, and the sixth, seventh and eighth election divisions of the Third ward, and elect one member.

The second district shall be composed of the Second ward, and elect one member.

The third district shall be composed of the Fourth ward, and the first, second, third, fourth and fifth election divisions of the Third ward, and elect one member.

The fourth district shall be composed of the Fifth ward, and the first, second, third, fourth and sixth election divisions of the Eighth ward, and elect one member.

The fifth district shall be composed of the Seventh ward, and the fifth election division of the Eighth ward, and elect one member.

The sixth district shall be composed of the Ninth ward, and the first, second, third, fourth and fifth election divisions of the Sixth ward, and elect one member.

The seventh district shall be composed of the Thirteenth ward, and the third, sixth, seventh and eighth election divisions of the Sixth ward, and the third election division of the Fourteenth ward, and elect one member.

The eighth district shall be composed of the Tenth ward, and first, fourth, fifth, seventh and eighth election divisions of the Fourteenth ward, and elect one member.

The ninth district shall be composed of the Twelfth ward, and the first, second, third, fourth, fifth and sixth election divisions of the Eleventh ward, and elect one member.

The tenth district shall be composed of the Fifteenth ward, and the second and sixth election divisions of the Fourteenth ward, and elect one member.

The eleventh district shall be composed of the Sixteenth ward, and the seventh and eighth election divisions of the Eleventh ward, and the fourth election division of the Seventeenth ward, and first election division of the Twentieth ward, and elect one member.

The twelfth district shall be composed of the Eighteenth ward, and the first, second and third election divisions of the Seventeenth ward, and elect one member.

The thirteenth district shall be composed of the Nineteenth ward, and elect one member.

The fourteenth district shall be composed of the Twentieth ward, except the first division thereof, and the fifth, sixth, seventh, eighth and ninth divisions of the Seventeenth ward, and elect one member.

The fifteenth district shall be composed of the Twenty-second ward, and the third, fourth, fifth, sixth and seventh election divisions of the Twenty-first ward, and elect one member.

The sixteenth district shall be composed of the Twenty-third ward, and elect one member.

The seventeenth district shall be composed of the Twenty-fourth ward, and the first, second and eighth election divisions of the Twenty-first ward, and elect one member.

And the boundaries of the several wards and election divisions or precincts, for the purposes of electing senators and members of the House of Representatives, shall be and remain as they now are, until an apportionment shall be made under the next septennial enumeration. Boundaries to remain as at present until next septennial enumeration.

SECTION 4. That the senators and representatives for the several districts specified in this act, shall be chosen by the qualified citizens of said districts respectively, at the time, and in the manner provided by the constitution and laws of this commonwealth; each election division or precinct meeting at the place now fixed for that purpose. Manner and time of choosing senators and representatives.

SECTION 5. That the judges of the various election divisions of the several wards of said city, shall meet on the day following all general elections, in their respective wards, at the usual and proper time and place, and after casting up the returns of their respective divisions, select or appoint one of their number return judge, to convey said returns to the office of the prothonotary of the court of common pleas of said city and county within the time prescribed by law; and the return judges of the several wards shall meet at the state house in said city, at the time prescribed by existing law, and shall cast up the several division and ward returns, and execute, under their hands and seals, one general and true return for each senatorial and representative district herein specified, and make, execute and deliver certificates of election in the manner prescribed by law. Return judges, duty of.

SECTION 6. That in case a special election shall be ordered to fill vacancy in a senatorial district, the judges from the wards composing such district shall meet in their respective wards, in accordance with existing laws and the provisions of this act, and elect return judges, to deliver returns to be filed in the office of the prothonotary of the court of common pleas, and at the proper time meet at the state house in said city, to cast up the returns, and give certificates of election in the manner prescribed by law. Special election for senator, duty of return judges.

SECTION 7. That in case a special election shall be ordered to fill a vacancy in a representative district, the judges of the several election divisions composing said district, shall meet at twelve o'clock M., on the day following said election, at a place in said district designated by the sheriff in his proclamation, there to cast up the returns of the divisions aforesaid, and under their hands and seals, execute certificate of election, and appoint one of their number to convey the same to the prothonotary's Special election for representatives, duty of return judges.

LAWS OF PENNSYLVANIA,

office in said city, to be recorded according to law, within two days of the time on which election shall be held.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 467.

AN ACT

To establish a Sinking Fund for the Payment of the Public Debt.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* for the purpose of paying the present indebtedness and the interest thereon, and such further indebtedness as may hereafter be contracted on the part of the commonwealth, the following revenues and incomes are hereby specifically appropriated and set apart, to wit: The net annual income of the public works that now are or may be hereafter owned by the commonwealth, and the proceeds of the sale of the same heretofore made and yet remaining due or hereafter made, and the income or proceeds of sale of stocks owned by the state, and all revenues derived from the following sources, to wit:

Certain revenues to be set apart for the payment of the public debt.

From bank charters and dividends.

Taxes assessed on corporations and all the sources of revenue connected therewith.

The tax on taverns, eating houses, restaurants, distilleries, breweries, retailers, pedlers, brokers, theatres, circuses, billiard and bowling saloons, ten pin alleys and patent medicine licenses.

On theatrical, circus, and menagerie exhibitions.

On auction commissions and duties.

On writs, wills, deeds, mortgages, letters of attorney, and all instruments of writing entered of record, on which a tax is assessed.

On public officers and all others on which a tax is levied.

On foreign insurance agencies.

On enrolment of laws.

On pamphlet laws.

On loans or money at interest.

All fines, forfeitures and penalties.

Revenues derived from the public lands.

The excess of militia tax over expenditures.

Millers' tax.

Tonnage tax paid by railroads.

Escheats.

Collateral inheritance tax.

Accrued interest.

Refunded cash, and all gifts, grants or bequests, or the revenue derived therefrom, that may be made to the state and not otherwise directed.

SECTION 2. That the secretary of the commonwealth, the auditor general and the state treasurer are hereby constituted commissioners to receive the foregoing incomes and revenues, and apply the same, first to the payment of the accruing interest of the public debt, and second to the principal thereof, and not otherwise, except as provided in section four, article eleven, of the constitution of this commonwealth; and it shall be the duty of said commissioners, within ten days of the time of payment of interest upon the funded debt of the commonwealth, in the months of February and August in each year, to assign to said sinking fund such amount of surplus funds in the treasury as may not be necessary for current outlays, and may be required for the payment of said interest; and the amount so assigned shall be transferred to said sinking fund, and the account thereof kept as provided in this act

Commissioners to receive and apply the foregoing revenues.

Duty of.

SECTION 3. That it shall be the duty of the said commissioners, on the first Monday of September, A. D. one thousand eight hundred and fifty-nine, and on the same day annually thereafter, to report and certify to the governor, the amount received under this act, the amount of interest paid, and the amount of the debt of the commonwealth redeemed and held by them; whereupon the governor shall direct the certificates representing the said indebtedness, to be cancelled, and on such cancellation issue his proclamation, stating the fact and the extinguishment and final discharge of so much of the principal of said debt.

To report annually to the governor amount of indebtedness paid, &c.

SECTION 4. That the said commissioners shall within ten days after the organization of the legislature, in one thousand eight hundred and fifty-nine, and within the same time annually thereafter, report to the legislature the amount of the public debt so as aforesaid liquidated and proclaimed by the governor to have been cancelled, the amount then remaining due, and the annual interest thereon, and what increase or modification of the fund hereby created, may be made, and what increase or reduction of taxes may be required or made, in order that the legislature may provide for such contingencies as may arise.

To report to legislature amount of debt liquidated, remaining due, &c.

SECTION 5. That the said commissioners shall keep full and exact minutes of their proceedings, which shall at all times be open to the inspection of the governor and legislature, and their annual report shall contain a detailed statement of their receipts and disbursements, the dates of the purchase of the public debt, the prices paid, and the place where said sale was effected.

To keep full and exact minutes of proceedings, &c.

SECTION 6. That it shall be the duty of the said commissioners to open books in the state treasurer's department, keep separate and distinct accounts of all moneys received and disbursed under this act, specifying the source of revenue and

To open books in treasury department, keep separate and distinct accounts, &c.

Penalty.

when paid, and from time to time, as the funds paid in may justify, apply the same to the payment of the accruing interest of the public debt and the principal, at or before the semi-annual payments thereof may become due; and at no time or in no manner shall any portion of the fund hereby created, be otherwise applied except as herein provided, under a penalty of one thousand dollars, to be sued for and collected for the use of the commonwealth, as other penalties.

Salary of commissioners and authority to employ clerk.

SECTION 7. That the said commissioners shall receive each an annual salary of three hundred dollars for their services, and are hereby authorized to employ in the treasurer's department one clerk, at an annual salary of one thousand dollars, whose duty it shall be to keep the books and minutes of proceedings, as provided for in this act, and such other services as may be required by said commissioners.

Account of moneys received and disbursed, relative to.

SECTION 8. That the account of moneys received and disbursed under the provisions of this act, as provided in the sixth section, shall include all payments to, and disbursements from the sinking fund, since the thirtieth day of November last; and the said account shall also distinguish between payments made upon the public debt which existed upon the thirtieth day of November last, and interest accrued thereon and payment made upon the debt, and interest thereon subsequently contracted or arising.

Repeal.

SECTION 9. That the sinking fund act of one thousand eight hundred and forty-nine, and all laws inconsistent herewith, are hereby repealed.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

JOHN CRESSWELL, JR.,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 468.

A N A C T

To refund to R. E. Brown, certain Moneys and Expenses paid by him to the Commissioners of the Nicholson Court.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer is hereby authorized and directed to pay to*

R. E. Brown, the sum of one hundred and seventeen dollars, moneys expended and paid by him to the Nicholson court of claims, on lands purchased by him, as per contract with the commissioners appointed in pursuance of an act, entitled "An Act to settle the estate of John Nicholson and Peter Boynton," approved the sixteenth day of April, Anno Domini one thousand eight hundred and forty.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 469.

AN ACT

Relating to the City of Pittsburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the select and common councils of the city of Pittsburg be and they are hereby authorized, when they may deem the same necessary, to cause sewers to be constructed in any street, lane or alley of said city, and for the payment of the cost of the same, they are hereby authorized to levy and assess upon the property benefitted; said levy shall be made by such persons, not less than three in number, as the councils may appoint; and when made and approved by the councils of said city, shall be a lien on the property so assessed or levied on, and if not paid within thirty days after the said approval, the amounts, with five per cent. added, shall be collected by the solicitor of said city, and by him deposited with the treasurer, subject to the order of councils; for which collection he shall receive the five per cent. added to the amounts collected by him: *Provided*, That the tenth section of the supplement to an act to incorporate the city of Pittsburg, passed on the sixteenth day of May, eighteen hundred and fifty-seven, be and the same is hereby repealed; and that the laws in relation to voting, in force previous to the passage of said supplement, and supplied by the said tenth section, be and they are hereby restored.

Councils authorized to cause sewers to be constructed.

Tax for the payment of construction, how assessed.

To be lien on property assessed.

How collected.

Proviso

SECTION 2. That the cost and expense of all grading, paving and curbing done in the city of Pittsburg, in accordance with the provisions of an act supplementary to an act to incorporate

Grading, paving, curbing, &c., relative to.

said city, approved May sixteenth, Anno Domini one thousand eight hundred and fifty-seven, which is not paid as directed by any ordinance enacted in pursuance of said act, shall be and remain a lien on the lots against which such cost and expense is assessed, until the same is paid.

Provisions of certain act extended

SECTION 3. That the provisions of the act supplementary to an act to incorporate the city of Pittsburg, approved May sixteenth, Anno Domini one thousand eight hundred and fifty-seven, so far as the same relates to grading, paving and curbing, be and are hereby extended to all streets which are in whole or in part boundaries of said city, the one half lying within said city, and the other half in any township.

Petitioning for grading, curbing, &c., relative to.

SECTION 4. That when the councils of said city shall, by ordinance, direct the grading, paving, re-paving or curbing of any street, lane, alley or square within said city, the question whether a majority of persons holding or owning property thereon, have petitioned therefor, shall cease and determine.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 470.

AN ACT

To annex Sub-District, number one, of Donegal township, in the county of Washington, to the borough of Claysville, for School Purposes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the territory within the bounds herein described, to wit: Beginning at the east corner of Donegal township, and running north to the corner of George Miller's farm; and thence west to William Dennison's; and thence south to George M'Conahey's; and thence along the line of Donegal and East Finley townships, to the place of beginning, shall be attached to and form part of the borough of Claysville, in the county of Washington, for school purposes, and shall be for said purposes under the jurisdiction and control of the board of directors of said borough; and all school taxes within said territory shall be levied, collected and disbursed,

and the schools administered in like manner, and by the same authority, as in said Claysville school district.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 471.

A N A C T

To repeal an act, entitled “An Act relating to the Collection of Tolls on the bridge over the Saw Mill Run, in Allegheny county, on the Steubenville Turnpike Road.”

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That an act approved the twenty-eighth day of April, one thousand eight hundred and fifty-seven, entitled “An Act relating to the collection of tolls on the bridge over the Saw Mill run, in Allegheny county, on the Steubenville turnpike road,” be and the same is hereby repealed.

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 472.

A N A C T

Authorizing the Trustees of the Mahoning Presbyterian English Congregation of Danville, Montour county, to convey Real Estate.

WHEREAS, The Mahoning Presbyterian English congregation Preamble of Danville, Montour county, Pennsylvania, hath lately been

divided, and a new congregation has been organized within the bounds thereof, by the name of the Mahoning Presbyterian English congregation north, composed chiefly of members from the first above mentioned congregation :

And whereas, At the time of said division the said first mentioned congregation was possessed of certain property and funds, and the said congregation desire to make an equitable and amiable division of the same, and have between themselves agreed upon such division, by the terms of which agreement the trustees of the first named congregation are to convey to the trustees of the Mahoning Presbyterian English congregation north, the piece and lot of land hereinafter described, and also to allow the one-third part of the interest or income of the Montgomery fund to be paid yearly to the said last mentioned congregation, towards the support of the pastor of the same :

Authority to convey real estate

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the trustees of the Mahoning Presbyterian English congregation of Danville, in the county of Montour, be and they are hereby authorized to execute and deliver to the trustees of the Mahoning Presbyterian English congregation north, a deed in fee simple, for all that certain piece and parcel of land, situate in the borough of Danville, in Montour county aforesaid, bounded and described as follows: Beginning at a corner on Bloom street; thence along said street north eighty-two degrees ten minutes east three hundred and two and a-half feet to a post, corner of Bloom and A street; thence along A street south sixteen and a-half degrees east one hundred and fifty-one feet to a post, corner of A and Green streets; thence along Green street south seventy-one and three-quarters degrees west two hundred and fifty-eight feet to a post at the corner of an alley; thence along said alley north twenty-eight and a-half degrees west two hundred and four feet to the place of beginning.

Trustees of Montgomery fund to pay over interest, &c.

SECTION 2. That the trustees of the Montgomery fund be and they are hereby authorized and required to pay over, yearly, to the trustees of the Mahoning Presbyterian English congregation north, for the use of said congregation, the one-half of the yearly interest which shall from and after the first day of May, one thousand eight hundred and fifty-seven, accrue on said fund; the other half part of said interest, which shall accrue on said fund, to be paid yearly to the trustees of Mahoning Presbyterian English congregation, as directed by the act, entitled "An Act to incorporate the trustees of the Montgomery fund."

A. BROWER LONGAKER,

Speaker of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 473.

A N A C T

To incorporate the Supreme Grand Council of the Independent Order of the Sons of Malta, of Western Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* James D. Cotter, Robert P. M'Dowal, Conn Dusenbury, John B. Dunlevy, Wm. B. Gormly, Johns S. Johns, J. Heron Foster, John M. Irwin, C. S. Eyster, David Campbell, R. Biddle Roberts, Charles Barnett, J. R. Weldon, Nesbit M'Donald, A. A. Carrier, Andrew Fulton, Henry A. Weaver, Alfred M'Calmont, M. I. Stewart, John Laton, Russel Errett, Frank Bailey, James D. M'Gill, Peter M. Davis, James A. Dunlevy, Geo. M. Blackstock, Wm. J. Morrison, John Eakin, Rody Patterson, James Baxter, Samuel Barr, William Barr, Robert H. Patterson, John A. Myler, Thomas A. Rowley, John Curtis, Ed. Campbell, junior, Richard Coltart, Robert L. Coltart, Alexander Chambers, Alexander M. Watson, Wm. A. Lare, Daniel O'Neal, William Perkins, Jno. H. M'Elhany, A. G. M'Candless, William Bennett, M. A. Knox, Geo. L. Robinson, Peter M'Ginnis, John Gilchrist, Eli Young, Wm. B. Barrell, Charles Bartberger, Harden Ward, Hugh Morrison, Hugh S. Fleming, William Johnson, David Irwin, Charles Johnson, Alexander M'Clintock, A. S. Bell, Robert Anderson, William Murphy, Geo. C. Murphy, Charles W. Lewis, Daniel Barnard, John H. Hampton, John Hastings, Henry Ahl, Hamilton Lacock, John Sinims, Samuel Beitler, John Boyd, Lewis S. Greenlee, John H. Bailey, Thomas Steel, and such other persons as now are or may hereafter become members of the Keystone lodge, number one, and Supreme Grand Council of the Independent Order of the Sons of Malta, of Western Pennsylvania, and their successors, be and they are hereby created and erected into a body politic and corporate in deed and law, by the aforesaid name, style and title; and by that name and title shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded, and shall be able and capable in law and in equity, to receive, take and hold for the use of the said corporation, lands, tenements and hereditaments and estates, real and personal, whatsoever, and the same to grant, bargain, sell, transfer, assign, mortgage and convey, in such manner as the said corporation shall deem proper, and to receive and make all deeds, transfers, contracts, conveyances, covenants and assurances, whatsoever, and to make, have and use a common seal, and the same to change and renew at pleasure, and generally to do every other act or thing necessary to carry into effect the provisions of this act, and to promote the object and design of said corporation.

Corporators.

Name.

Powers.

SECTION 2. That the object and design of said corporation shall be the collection and disbursement of moneys for works

Object and design.

of charity, and the relief of the poor and unfortunate of this commonwealth, without any distinction of sex, color, age, politics, nationality, country or religion, in such manner and form as the said corporation shall deem proper, and to encourage the feeble and inexperienced to persevere in the paths of rectitude and virtue: *Provided however*, That the said corporation shall not be allowed to collect, and have on hand at any one time, a charity fund exceeding fifty thousand dollars: *And provided further*, That the net annual income arising from the real estate of the said corporation, shall not exceed the sum of five thousand dollars.

Proviso.

Proviso.

Constitution and by-laws.

SECTION 3. That the said corporation shall have power to adopt a constitution and make by-laws, and the same to amend, alter or repeal at pleasure: *Provided*, That such constitution and by-laws are not inconsistent with this charter, or with the constitution of the United States, or the constitution and laws of this commonwealth.

May receive real or personal property.
Misnomer.

SECTION 4. That the said corporation are hereby empowered to take and receive real or personal property, by gift, devise or bequest; and no misnomer of said corporation shall defeat any intended gift, grant, conveyance, devise or bequest thereto; the same, however, to be always subject to the provisions of this act.

Subordinate lodges, power to institute.

SECTION 5. That the said corporation shall have power to institute subordinate lodges in the counties of Allegheny, Armstrong, Westmoreland, Beaver, Lawrence, Bedford, Somerset, Blair, Butler, Cambria, Clarion, Forest, Clearfield, Jefferson, Elk, Montour, Sullivan, Crawford, Warren, Erie, Fayette, Fulton, Greene, Huntingdon, Indiana, Snyder, Mercer, Venango and Washington, in such form and manner as they may deem proper: *Provided however*, That such subordinate lodges shall not have any of the rights and privileges of a corporation, in virtue of such institution.

Pike and Wayne counties, attached to Eastern Grand Council.

SECTION 6. That the counties of Pike and Wayne shall be attached to the eastern district of Pennsylvania, and be under the jurisdiction of the Supreme Grand Council of the Independent Order of the Sons of Malta, located in the city of Philadelphia.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The thirtieth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 474.

AN ACT

To authorize the Auditors of Jefferson county to re-audit the Accounts of David Harl and Augustus R. Marlin, late Treasurers of said county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That it shall be lawful for the auditors of the county of Jefferson, after due and timely notice to all parties concerned, to meet at the commissioners' office, at Brookville, in said county, and re-audit the accounts of David Harl and Augustus R. Marlin, late treasurers of said county, with the commonwealth of Pennsylvania, and such other accounts as may be necessary to explain the same, or as may be connected therewith; and having so made the same, they shall transmit certified copies thereof to the state treasurer and auditor general; and such re-audit so made as aforesaid, shall have the same effect as in other cases against the commonwealth as against the said David Harl or Augustus R. Marlin and their sureties.

SECTION 2. That not less than ten days' notice of the time and place of the meeting of said auditors, for the purpose of re-auditing said accounts, shall be given to the auditor general, who is hereby authorized to attend and take part in said re-audit, either in person or by a duly authorized agent.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 475.

A FURTHER SUPPLEMENT

To the act, entitled "An Act to regulate the Sale of Liquors, et cetera."

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

all persons who have taken out license during the month of April, Anno Domini one thousand eight hundred and fifty-eight, under the provisions of the law to which this is a supplement, shall be charged in accordance with the rate of license provided for by the supplement, passed April twentieth, one thousand eight hundred and fifty-eight; and the county treasurers of the several counties are hereby authorized to refund to such persons as have paid a greater price than is required by the supplement above referred to, the excess above the said rates of license.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 476.

AN ACT

For Widening the East End of State Street, in the Borough of Harrisburg.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* all that part of State street, from the canal to the Paxton creek, in the borough of Harrisburg, be and the same is hereby declared to be widened on the south side, by continuing the present line of the south side of said street from the capitol to the Paxton creek, so as to make it one hundred and twenty feet wide, to correspond with the other part of said street, thereby establishing a uniform width of one hundred and twenty feet throughout the entire length of said street, but not to interfere in any manner with the present line of the canal basin between the canal and Paxton creek, and to be opened and kept in repair as is already provided by law for opening and repairing other streets in said borough.

State street authorized to be widened.

Viewers to assess damages, how appointed.

SECTION 2. That the court of quarter sessions of Dauphin county shall, without petition appoint viewers to assess the damages done to land owners, by reason of the widening of said street, in accordance of the provisions of an act for the better regulation of the borough of Harrisburg, approved the ninth of January, A. D. 1817, except that owners of property,

or residents in the said borough, may be viewers, at the discretion of said court.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

JOHN CRESSWELL, JR.,
Speaker pro tem. of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 477.

A N A C T

To legitimate Albert Middleton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Albert Middleton, son of William Middleton, of Waterford township, Erie county, Pennsylvania, shall have and enjoy all the rights and privileges of a legitimate child of the said William Middleton, and shall be able and capable in law to inherit and transmit to his children, or other immediate decendants, or to the heirs of his said father, any estate whatsoever, as fully and effectually, and to all intents and purposes, as if he had been born in lawful wedlock.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 478.

AN ACT

To provide for the payment of certain Claims against the Commonwealth.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Appropriation. the following sums be and the same are hereby appropriated for the several objects hereinafter mentioned, to be paid out of any money in the treasury not otherwise appropriated.

John Kugler. *SECTION 2. For the payment of the claim of John Kugler, for damage occasioned by the destruction of his house in Eastown township, Chester county, on the second day of April, one thousand eight hundred and fifty-seven, by fire communicated by sparks from a locomotive engine belonging to the commonwealth, and some personal property which he had in the house, the sum of two thousand four hundred dollars, as per the award of canal commissioners, dated March the third, one thousand*

Isaac White. *eight hundred and fifty-eight; and to pay the claim of Isaac White, the tenant of said house, for personal property destroyed by the same fire, as per same report of canal commissioners, one hundred and sixty dollars.*

William Martin. *SECTION 3. For the payment of the claim of William Martin, for damage occasioned by the burning of his fence and the sprouts on about twenty acres of land, in the township of Valley, Chester county, occasioned by sparks from a locomotive of the commonwealth, on the Philadelphia and Columbia railroad, in the month of February, one thousand eight hundred and fifty-seven, as per report of canal commissioners, dated March third, one thousand eight hundred and fifty-eight, re-assessing the same, two hundred and twenty dollars.*

Damages on the New Allegheny Portage railroad. *SECTION 4. For the payment of damages awarded to holders of property on the line of the New Allegheny Portage railroad, caused by the construction of said road, to wit: To the proper representatives of the estate of Robert M'Namara, including fencing, the sum of one thousand one hundred and thirty dollars. To Samuel Moore, including fencing, the sum of nine hundred and forty-nine dollars. To Jonathan Conrad, including fencing and removing dwelling house, the sum of nine hundred and thirty-six dollars. To Daniel Biegel, including fencing, the sum of one hundred and twenty-three dollars. To Robert Gardner, (two tracts,) including fencing, the sum of five hundred and thirteen dollars. To John Gailey, including fencing, the sum of twenty-five dollars. To Charles Gailey, including fencing, the sum of two hundred dollars. To Henry M. Long, the sum of three hundred dollars. To M. M. Adams, the sum of fifty dollars. To F. M. George, the sum of fifty dollars. To Edward A. Burke, the sum of fifty dollars. To James O. Neal, the sum of fifty dollars, as per report of the canal commissioners, dated*

March the third, one thousand eight hundred and fifty-eight; and the sums herein appropriated are to be in full for all claims for damages by said several persons, on account of damage by the construction of said line of railroad.

SECTION 5. For the payment of the claim of Mrs. J. M'Kinney, for damage to her lot and house adjoining the town of Jefferson, in Cambria county, by the location and construction of the road to avoid the inclined planes on the Allegheny Portage, as per report of the canal commissioners re-assessing the same, dated March the third, one thousand eight hundred and fifty-eight, the sum of two hundred dollars. Mrs. J. M'Kinney.

SECTION 6. For the payment of the claim of Priscilla Cooper, for damage to her person, occasioned by a locomotive of the commonwealth, on the Philadelphia and Columbia railroad, coming in collision with the carriage of Caleb Hoopes, in which she was riding, at the first crossing east of Parkesburg, on the twenty-third day of December, one thousand eight hundred and fifty-six, as per report of the canal commissioners, dated March the third, one thousand eight hundred and fifty-eight, for expenses and suffering to the first of January, one thousand eight hundred and fifty-eight, the sum of three hundred dollars; and the injury being of a permanent character, it is further enacted that the said Priscilla Cooper shall be paid out of any moneys not otherwise appropriated, an annuity of one hundred dollars annually, in equal instalments, on the first day of July, one thousand eight hundred and fifty-eight, and the first day of January and July in each year thereafter during her natural life; and to pay the claim of Caleb Cooper in full for damage to his carriage and horses, occasioned by the same collision, the sum of one hundred dollars, as per the same report of the canal commissioners. Priscilla Cooper.
Caleb Cooper.

SECTION 7. For the payment of the claim of Elizabeth Lytle, for timber cut upon her land and used in the erection of tressel work on the New Allegheny Portage railroad, in full, the sum of one hundred and thirty-eight dollars and six cents, as per the report of the canal commissioners, dated March twenty-third, one thousand eight hundred and fifty-eight. Elizabeth Lytle.

SECTION 8. For the payment of the claim of the proper representatives of the estate of Elizabeth Styles, deceased, for damages arising from the appropriation and occupation of about two acres of the land of said Elizabeth Styles, for the purposes of the commonwealth, at the out-let lock into the pool of the Nanticoke dam, on the Lower Branch division of the canals, and the temporary occupation of several acres more, as per the report of canal commissioners, dated March twenty-second, one thousand eight hundred and fifty-eight, the sum of two hundred and fifty dollars. Elizabeth Styles.

SECTION 9. For the payment of the claim of William Trimble, for damages to his person and property, occasioned by a locomotive attached to a freight train on the Philadelphia and Columbia railroad running against the carriage in which he was crossing said railroad, on the twenty-fifth day of December, one thousand eight hundred and fifty-four, by which his person was badly injured and his horse killed, carriage destroyed and harness injured, as per the report of the canal commissioners, dated

March the twenty-fourth, one thousand eight hundred and fifty-eight, the sum of four hundred dollars.

Wm. N. Brown.

SECTION 10. For the payment of the claim of William N. Brown, for damage occasioned by the destruction of his fence and a quantity of rails by fire communicated by sparks from a locomotive on the Philadelphia and Columbia railroad, in the month of July, one thousand eight hundred and fifty-six, as per the report of the canal commissioners, dated March the twenty-third, one thousand eight hundred and fifty-eight, the sum of eighty dollars and fifty cents.

M'Kean & Rambo.

SECTION 11. For the payment of the claim of M'Kean and Rambo, for extra work done under a contract entered into on the ninth day of November, one thousand eight hundred and thirty-seven, for the building of lock number twelve, on the Erie extension of the Pennsylvania canal, as per the report of the canal commissioners, dated March the twenty-sixth, one thousand eight hundred and fifty-eight, the sum of six hundred dollars, to be in full satisfaction for all work done under said contract, or as extra upon said lock.

Abraham Levering.

SECTION 12. For the payment of the claim of Abraham Levering, for damages arising from the destruction of his house near White Hall, by fire communicated by sparks from a locomotive on the Philadelphia and Columbia railroad, on the twenty-eighth day of March, one thousand eight hundred and fifty-six, as per report of the canal commissioners, dated March the twenty-eighth, one thousand eight hundred and fifty-eight, the sum of six hundred and fifty dollars; and for the payment of the claim of J. H. Levering, for personal property destroyed by the same fire, as per the same report of the canal commissioners, the sum of three hundred and forty dollars, to be in full of said claims.

J. H. Levering.

Given & Collins.

SECTION 13. For the payment of the claim of Given and Collins, for damages occasioned by fire communicated by sparks from a locomotive on the old Allegheny Portage railroad, at Summitville, Cambria county, to the house in which they had a store of goods, on the twenty-first day of February, one thousand eight hundred and fifty-four, by which their goods were destroyed and damaged, the sum of one thousand one hundred and forty-six dollars and ninety cents, to be in full for all damage occasioned by said fire, assessed in pursuance of facts reported by the canal commissioners by report dated March the twenty-fourth, one thousand eight hundred and fifty-eight, said store house having been built and used as such before locomotives were used on said road.

James Tubbs.

SECTION 14. For the payment of interest overpaid by James Tubbs, on a tract of land certified as "part of a pitch" to Elijah Rood, the sum of fourteen dollars and sixteen cents.

Blanch & Crap.

SECTION 15. For the payment of a balance due to Blanch and Crap, for papers furnished to members of the legislature, for thirty-three days of the extended session of one thousand eight hundred and fifty, the sum of fifty-two dollars.

Eves & Fairman.

SECTION 16. For the payment of Eves and Fairman, the balance of damage for injury to their canal boat "George Bodine," in the Nanticoke pool, in July, one thousand eight hundred and fifty-five, as per report of canal commissioners, dated the twenty-

first day of April, one thousand eight hundred and fifty-seven, the sum of four hundred dollars in full.

SECTION 17. That the authority conferred on the canal commissioners, by the fortieth section of an act, entitled "An Act to provide for the ordinary expenses of government," et cetera, approved May the eighteenth, one thousand eight hundred and fifty-seven, to examine the claims against the commonwealth reported to them by William S. Calohan, late superintendent of the Allegheny Portage railroad, James A. Cunningham and J. D. Leet, late supervisors of the Upper division of the Juniata canal, be and is hereby extended so far as to authorize them to examine the claims not reported to them by said Colahan, Cunningham and Leet; and all such as may be proved on such examination, to have been contracted for the benefit of the commonwealth, shall be certified by said canal commissioners, and paid by the state treasurer, in the manner provided by said fortieth section of said act.

William S. Calohan.

James A. Cunningham and J. D. Leet.

SECTION 18. For the payment of the claim of Samuel D. Myton, for damages occasioned by the running of his boat upon a stump lying in the bottom of the canal, near Drake's ferry, on the Upper Juniata division of the canal, in May, one thousand eight hundred and fifty-six, by which a large quantity of wheat, the lading of said boat, was destroyed, as per the report of the canal commissioners, dated April the thirteenth, one thousand eight hundred and fifty-eight, the sum of two thousand and eighty-eight dollars and fifty-two cents, to be in full for all damage occasioned by the sinking of said boat.

Samuel D. Myton

SECTION 19. For the payment of the claim of Jonathan C. Baldwin, for damage for taking up and appropriating some of the iron of his sideling track, at his limekiln, when the north track of the Philadelphia and Columbia railroad was relaid, as per the report of the canal commissioners, dated April eight, one thousand eight hundred and fifty-eight, to be in full for all damage arising from taking up said sideling, the sum of one hundred and thirty-two dollars and fifty cents.

Jonathan C. Baldwin.

SECTION 20. For the payment of the claim of William T. Felis, for damage occasioned by the breaking up of one of his cars, attached to a train on the Philadelphia and Columbia railroad, on the twenty-first day of January, one thousand eight hundred and fifty-four, as per report of the canal commissioners, dated April eighth, one thousand eight hundred and fifty-eight, to be in full for all claims for damage to his cars or property, on said road, the sum of one hundred and fifty dollars.

William T. Felis

SECTION 21. For the payment of the claim of Levi M. Comsey and Brother, for damage occasioned by the breaking of a rail on the Philadelphia and Columbia railroad, and throwing the freight cars over an embankment by which the goods of said Comsey and Brother were injured and damaged, on the sixth day of February, one thousand eight hundred and fifty-five, as per report of the canal commissioners, dated the third day of May, one thousand eight hundred and fifty-five, the sum of one hundred and twenty-eight dollars and seventy cents.

Levi M. Comsey and Brother.

SECTION 22. For the payment of the following named persons, the amount of damages awarded by the appraisers appointed under the provisions of an act, entitled "An Act to authorize the

Damages awarded by appraisers.

appointment of appraisers, to assess and report damages sustained by transporters and others, by reason of the sale of the main line of the Pennsylvania canal," approved the nineteenth day of March, Anno Domini, one thousand eight hundred and fifty-eight, as per report and the schedule of said appraisers, dated the sixteenth day of April, eighteen hundred and fifty-eight, namely:

To Kier and Mitchell, the sum of eight thousand five hundred and twenty-five dollars.

To E. G. and W. Stitt, the sum of six thousand three hundred and eighty dollars.

To Sandle and Sterritt, the sum of three hundred dollars.

To captain Dowrey, the sum of three hundred dollars.

To Archibald M'Fadden, the sum of five hundred dollars.

To Samuel Black, the sum of two hundred and twenty-five dollars.

To Thomas Millikin, Jr., the sum of seven hundred and fifty dollars.

To Israel Keim, the sum of three hundred dollars.

To Thomas Gore, the sum of one hundred and fifty dollars.

To Thomas M'Connell, the sum of fifty dollars.

To John Storiner, the sum of four hundred dollars.

To Robert Brown, the sum of two hundred and fifty dollars.

To John Brown, the sum of one hundred dollars.

To John Sides, the sum of one hundred dollars.

To Samuel Kerr, the sum of three hundred dollars.

To Ira Sayers, the sum of five hundred dollars.

To Lloyd and Company, the sum of seven thousand and twenty-five dollars.

To Thomas Bingham, the sum of two thousand six hundred and seventy-five dollars.

To Cookman and Brother, the sum of two thousand and two hundred dollars.

To B. F. Appold and Company, the sum of one thousand dollars.

To Henry Adams, the sum of one hundred and fifty dollars.

To William Hall, the sum of one hundred and fifty dollars.

To James Layton, the sum of one hundred and fifty dollars.

To Lear and Walkinshan, the sum of one hundred dollars.

To John Long, the sum of one hundred dollars.

To Hance Ferguson, the sum of one hundred and fifty dollars.

To Jacob Utsler, the sum of one hundred and fifty dollars.

To William Ford, the sum of one hundred and twenty-five dollars.

To William Adams, the sum of one hundred and fifty dollars.

To Johnson and Brother, the sum of one hundred dollars.

To George Rushberger, the sum of fifty dollars.

To Gilbert L. Lloyd, the sum of two thousand two hundred and fifty dollars.

To John Miller, the sum of two thousand one hundred and sixty dollars.

To Lloyd, Holliday and Company, the sum of one thousand and two hundred dollars.

To Robert M. Lemon, the sum of two thousand one hundred and seventy dollars.

To Porter, Milligan, and Company, the sum of three hundred dollars.

To J. M'Gonigle, the sum of three hundred dollars.

To Charles Hughes, the sum of three hundred dollars.

To Bernard M'Colgan, the sum of six hundred dollars.

To John Cowden, the sum of five hundred dollars, to be paid by the state treasurer out of any money in the treasury not otherwise appropriated.

SECTION 23. For the payment of the claim of William B. Hoopes, for damages to his property along the Philadelphia and Columbia railroad, and for materials used by the commonwealth, the sum of five hundred and fifteen dollars and fifty cents.

SECTION 24. For the compensation of the commissioners to revise the penal code, appointed under the provisions of the act of April, one thousand eight hundred and fifty-eight, the sum of four thousand dollars, to be paid out of any moneys not otherwise appropriated; the accounts of said commissioners to be settled in the auditor general's office in the usual manner.

SECTION 25. That the state treasurer is hereby authorized and directed to pay John Wetzell and William M'Coy ten dollars each, for services rendered in making fires in the Senate chamber during the present session.

SECTION 26. That the canal commissioners are hereby authorized and required to examine the claims of M'Lanahan, Jack and Company, for iron and materials furnished to the commonwealth in the year A. D. eighteen hundred and fifty-four, not exceeding three hundred dollars; the claim of Edward M'Donald, for labor; John Houseman, for labor and carting; Jacob N. Sholler, for labor in the year one thousand eight hundred and forty-three; and of John Williams, for work and labor in the years of eighteen hundred and forty-two, and eighteen hundred and forty-three; and if the said canal commissioners shall find that said claims are correct and unpaid, they shall certify the amounts due to said persons to the state treasurer, who is hereby authorized to pay the same out of any moneys not otherwise appropriated in the treasury.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

JOHN CRESSWELL, JR.,
Speaker of the Senate.

APPROVED—The twenty-fourth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 479.

A SUPPLEMENT

To an act to incorporate the Western Transportation Company, approved March fifteenth, Anno Domini one thousand eight hundred and fifty-six.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That all the powers, rights and privileges conferred on the Western transportation company by the act to which this is a supplement, passed March fifteenth, Anno Domini one thousand eight hundred and fifty-six, be and they are hereby extended in regard to said company, to all railroads, whether within or without the boundaries of the state of Pennsylvania, connected with the Pittsburg and Steubenville railroad, either directly or by means of other railroads, so that an unlimited continuous line of through traffic and management, to all points west and south of Pittsburg, may be secured by the Western transportation company on all roads connecting mediately or immediately with the said Pittsburg and Steubenville railroad, in as full a manner as is provided by the act aforesaid, in regard to the said Pittsburg and Steubenville railroad.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 480.

A N A C T

Investing the Purchasers of the Real Estate of the Reading Manufacturing Company with the same corporate Rights and Privileges possessed by said Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the purchaser or purchasers of the real estate of the Reading*

Manufacturing company, and such persons as may from time to time become associated with him or them, by transfer of stock or otherwise, shall be vested with and hold said real estate, together with the name, style and all the corporate rights and privileges of said corporation, as the same were held and enjoyed by the said corporation, and act in the place of the board of directors or managers and other officers of the same, until new directors or managers and other officers shall be elected in the manner provided for in the act, entitled "An Act to encourage manufacturing operations in this commonwealth;" and at the time fixed by the by-laws of said corporation, and from and immediately after the delivery of the deed or deeds for the real estate of said corporation to the purchaser or purchasers thereof, the late stockholders shall be divested of all interest therein.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred fifty-eight.

WM. F. PACKER.

No. 481.

AN ACT

To incorporate the Lewisburg Building Association, having for its object the accumulation of a fund, which shall be loaned to its members, to enable them to buy or build their own homes.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Thomas H. Wilson, Charles S. James, Henry Gerhart, William Brown, Edwin A. Evans, R. G. Orwig, Solomon Ritter, C. W. Schaffle, George N. Youngman, and all and every other person or persons who may hereafter become stockholders in the association incorporated by this act, be and they are hereby created and made a body politic and corporate, in fact and in law, by the name, style and title of the Lewisburg building association; *Style.* and that they and their successors shall and may have, for the period of twenty years, succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatever; and they and their successors may *Powers.*

Seal.	have and use a common seal, make and change and alter the same at their pleasure; and also they and their successors, by the same name and style shall be, in law, capable of purchasing,
Real estate.	holding and conveying any estate real or personal, for the use of the said corporation, which shall be necessary in the transaction of the business thereof, or shall be taken and held as security for the payment of debts due or to become due the corporation; and also to ordain, establish, and put into execution such by-
By-laws.	laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to the constitution and laws of the United States, or of this state; and generally to do all and singular the matters which to them shall lawfully appertain to do for the well being of the said corporation, and the management and ordering the affairs thereof.
Capital stock.	SECTION 2. That the capital stock of the said corporation shall at no time consist of more than twenty-five hundred shares of two hundred dollars each, to be paid to the president and directors, for the use of the said corporation, at such place and time or times as they the said president and directors shall, in their discretion, direct and appoint, not exceeding one dollar per month on each share; and if any subscriber shall refuse or neglect to make payment as directed, such subscriber, his assignee or legal representative, shall pay a fine of ten cents on each dollar of monthly dues, (whether instalments on shares, or interest on loans,) not paid by the time required, and a fine of two per centum a month on all sums remaining unpaid one month or more after they become due; and the secretary of the corporation, for refusing or neglecting to charge these fines shall, himself, be fined one dollar for each omission, and the directors shall have no power to remit these fines, unless charged through error; and all stockholders being six months in arrears with their dues, shall forfeit their membership in the corporation, but shall be entitled to receive from the corporation the same amount as a member withdrawing, as hereinafter provided: <i>Provided</i> , That fines be charged to such members until the day of application; and that application be made within one year from the time of ceasing to pay their dues, when it will revert to the corporation, and new shares of stock may be issued in lieu of the shares withdrawn or forfeited; the stock shall be issued in successive series, in such amount as the directors or the stockholders may determine: <i>Provided</i> , That not more than two hundred shares shall be issued at any time within the space of three months; and the monthly instalments thereon shall continue to be paid until each share of the series to which it belongs shall become worth two hundred dollars, when the holders of such stock shall receive from the corporation in cash, or their own obligations, the sum of two hundred dollars for each share; or if the holder of such matured stock desire to let the money due him remain in the corporation, it shall be lawful to declare semi-annual dividends out of the profits of the business of the corporation on such matured stock; and any stockholder wishing to withdraw from the said corporation, shall have power to do so, by giving thirty days' notice of his intention to withdraw, when he shall be entitled to receive the amount paid in by him, less all fines
Amount to be paid per month.	
Fines.	
Secretary, fine for neglect of duty.	
Forfeiture of membership.	
Proviso.	
Proviso.	

and other legal charges; and if the stock was issued one year or less previous to the withdrawal, five per centum additional shall be deducted; and if issued a longer time than one year previous to the withdrawal, the five per centum additional shall not be deducted; and if issued a longer time than two years previous to the withdrawal, the holder shall be entitled to receive the balance due him as above, with legal interest thereon; and if issued a longer time than five years previous to the withdrawal, he shall receive in lieu of interest, such proportion of the profits as the by-laws may determine: *Provided*, That no stockholder shall be entitled to withdraw, whose stock is held in pledge for security; upon the death of a stockholder, his heirs or legal representatives shall be entitled to receive from the corporation the full amount paid in by him, with his full share of all the accumulated profits, first deducting all charges that may be due on his stock; no fines shall be charged to a deceased member's account from and after his decease, unless his legal representatives assume the future payments on his stock. Proviso.

SECTION 3. That for the well ordering of the affairs of the said corporation there shall be one president, one secretary, one treasurer and six other directors, (the president, secretary and treasurer being ex-officio members of the board of directors,) holding at least one share each in their own right; they shall be elected by ballot annually in the month of October, in Lewisburg, by the stockholders, when each stockholder, if not in arrears, shall be entitled to one vote; stockholders holding five shares, shall be entitled to two votes, and those holding ten shares or more, to three votes; the directors shall continue in office one year and until an election takes place, at a meeting duly convened; and said directors shall have power to appoint such committees, officers, attorneys, agents and other persons as shall be deemed by them to be necessary for conducting and executing the business of the said corporation, to remove at pleasure officers of their own appointment, and to fill vacancies that may occur in their own board: *Provided*, That the corporation named in the first section of this act, shall be the first board of directors, and shall hold their offices until the first annual meeting in October next, and until new directors shall be elected. Officers.
How and when elected.
Votes.
Directors, term of office.
Powers.
Proviso.

SECTION 4. That the directors shall hold monthly meetings, and at each monthly meeting the money in the treasury belonging to the corporation, if over two hundred dollars, shall be offered for loan in open meeting, and the stockholder who will bid the highest premium, shall be entitled to receive a loan of two hundred dollars for each share of stock held by him: *Provided*, That a stockholder may take such fractional part of two hundred dollars as the by-laws may provide; but in no case shall a larger sum be loaned to any stockholder than two hundred dollars for each share held by him; and good and ample security shall be given by the borrower to the directors; and one share of stock shall be assigned as collateral security for every loan of two hundred dollars, before he shall be entitled to receive the money he has bid for; a deduction shall be made from the premium bid, in proportion to the age of the stock, at the rate of ten per centum for each year past since the date of Meetings.
Proviso.
Borrowers, what kind of security exacted of.

Funds not to be loaned under par	the certificate; the funds of the corporation shall never be loaned under par, and in case they shall be uncalled for by members, for the space of two months, the directors may loan what may be in the treasury, to others, not stockholders, on satisfactory security, for not more than six months; interest on loans received from the corporation, shall be paid monthly, at the rate of six per centum per annum; if the interest or monthly instalments remain unpaid by stockholders who have received loans for more than six months, the directors may compel payment of principal and interest, by proceeding on their securities according to law; the premium bid for a loan, all unpaid dues, fines, expenses attending the transfer of securities, and other charges, shall be deducted from the amount of the loan bid for, and the balance be paid the borrower in cash; in case any stockholder should fail to give satisfactory security for the money loaned, on or before the succeeding stated meeting, he shall be charged with one month's interest, together with any costs, charges, or expenses incurred, and the loans revert to the corporation, unless by special arrangement.
May loan to others, not stockholders, at six per cent.	
When payment of principal and interest may be compelled.	
Failure to give security, relative to.	
Reserve fund.	SECTION 5. That ten per centum of the money received by the corporation shall be appropriated to a reserve fund, for the purpose of liquidating the different series of unincumbered stock as they mature; the funds thus reserved may be loaned to stockholders, in the same manner and at the same meeting that loans are made from the general fund: <i>Provided</i> , That loans from the reserve fund be made for ninety days only, and that proceedings may be instituted on the securities, according to law, for the recovery of all sums not paid promptly at the expiration of the ninety days, and that a fine at the rate of two per centum per month shall be charged, until the money is made; stockholders may deposit money from time to time, under such regulations as shall be prescribed in the by-laws; the interest allowed on such deposits shall not exceed six per centum per annum.
May be loaned to stockholders.	
Proviso.	
Stockholders may deposit money, &c.	
Subscription to stock.	SECTION 6. That it shall and may be lawful for the corporators named in the first section of this act, to organize the corporation and receive subscriptions for stock, dated back as far as the tenth day of October last past: <i>Provided</i> , That the subscribers for stock thus dated back, have heretofore paid money to the corporators herein named, or to any of them, for purposes or under restrictions and penalties similar to those contained in this act: <i>And provided</i> , That persons accepting certificates of stock thus dated back, shall be subjected to the same provisions, regulations and penalties as if this act had been passed previous to the date of their certificate.
Proviso.	
Proviso.	
Premiums, fines, charges, &c.	SECTION 7. That all premiums, fines and charges, that may be paid by stockholders, according to the provisions of this act, shall not be deemed usurious, and may be collected as other debts of like amount are now collected in this commonwealth: <i>Provided</i> , That such stockholders shall have signed an agreement, containing the following words, to wit: We, the stockholders and trustees of stock in the Lewisburg building association, located in Lewisburg, Pennsylvania, whose names are hereunto subscribed, do hereby agree to, and bind ourselves, our heirs, executors, administrators and assigns, to abide by the pro-
Proviso.	

visions and conditions of the charter of the association, and such by-laws as are or may hereafter be adopted.

SECTION 8. That if the privileges hereby granted shall at any time hereafter prove injurious to the public welfare, the legislature shall have power to alter or repeal this act; in such manner, however, that no injustice shall be done the corporators.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 482.

A SUPPLEMENT

To an act incorporating the Erie and Pittsburg Railroad Company, approved April first, one thousand eight hundred and fifty-eight.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That if in continuing the Erie and Pittsburg railroad south from Jamestown, in the county of Mercer, it shall be found convenient to occupy all or any portion of the railroad bed located, graded, or in part graded by the Pittsburg and Erie railroad company, the same may be occupied with the consent of the Pittsburg and Erie railroad company and the release and right of way obtained; and any work done by the said Pittsburg and Erie railroad company, with the consent of said company, shall enure and belong to the Erie and Pittsburg railroad company the same as though said release were made directly to and the work done by the Erie and Pittsburg railroad company. The said Erie and Pittsburg railroad company may and hereby are authorized to pay to the Pittsburg and Erie railroad company, for said right of way and work done thereon, upon the same being transferred by the Pittsburg and Erie railroad company, which transfer the company is hereby authorized to make to said Erie and Pittsburg railroad company.

May use and occupy Pittsburg and Erie railroad

Consent and release of to be obtained.

To pay for right of way, work done, &c.

SECTION 2. That nothing contained in the aforesaid act, to which this is a supplement, shall relieve or release those who have subscribed stock towards the construction of the railroad building by the Erie and North-East railroad company, under the provisions of the act of April the twenty-second, one thousand eight hundred and fifty-six, or relieve or release those who have

Subscriptions to stock of the Erie and North-East railroad company, relative to

Contracts with, relative to. contracts with the Erie and North-East railroad company under the provisions of the said act; but if the said stock is not paid, or said contracts complied with, the stock may be collected and the contracts enforced by suits in the name of the Erie and North-East railroad company for the use of the Erie and Pittsburgh railroad company: *Provided*, That nothing herein contained shall be construed to authorize the Erie and Pittsburgh railroad company to collect any such stock, or to enforce any such contracts which could not be collected or enforced by the Erie and North-East railroad company with the Pittsburgh and Erie railroad company.

Repeal. SECTION 3. That the tenth section of the act, entitled "An Act to incorporate the Erie and Pittsburgh railroad company," approved the _____ day of April, one thousand eight hundred and fifty-eight, be and the same is hereby repealed.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 483.

A N A C T

To incorporate the Pittsburgh Gymnasium Company.

Corporators.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That William Owers, George P. Corts, W. Gibson Miller, Edward T. Dravo and Audley W. Gazzam, of the city of Pittsburgh, in the county of Allegheny, Pennsylvania, their successors and assigns, and such other persons as shall become associated with them as shareholders, be and they are hereby erected and constituted a body politic and corporate, in deed and in law, by the name and style of Pittsburgh gymnasium company, to be located in the city of Pittsburgh, having for its object the improvement of its members in those physical exercises, and manly sports, essential to the enjoyment of health in large cities; said company shall have a capital stock of five thousand dollars, divided into shares of ten dollars each, with the privilege of increasing the same to ten thousand dollars.

Style.

Objects.

Capital stock.

SECTION 2. That the affairs of said company shall be managed by a president, treasurer, and board of not less than five nor more than thirteen directors, the president being ex-officio a member of the board of directors; the election of the president, treasurer and directors shall be held annually, at such time and place in the city of Pittsburg, as the company determine, of which public notice shall be given; all elections shall be by ballot, and each stockholder shall be entitled to one vote for each share of stock held by him or her; and in case of any vacancy in the board of directors by death, resignation or otherwise, the remaining members of the board shall elect a new director to fill such vacancy, until the next annual election by the stockholders: *Provided*, That no person shall be allowed to vote more than ten shares of said stock at any election.

SECTION 3. That said corporation shall have authority to hold a common seal and use the same, and the same to change, alter and amend at pleasure; and by the name, style and title aforesaid, shall be able and capable in law and equity to sue and be sued, plead and be impleaded in any court of this commonwealth or elsewhere, and have perpetual succession; and said corporation shall also, by the name and title aforesaid, be able and capable in law and equity to take and hold, either by purchase, gift, grant, devise or lease, any lands or real estate for the use of said company; and also to take and hold, for the use of said company, any goods and chattels, lands and tenements, sum or sums of money, by gift, grant, bargain and sale, will, devise and bequest, from any person or persons whatsoever capable of making the same, and the same at pleasure to grant, bargain, sell or lease for the use of the said company: *Provided however*, That said corporation shall not hold, own or possess any real estate, to a greater value than twenty thousand dollars.

SECTION 4. That this act shall take effect whenever two hundred shares are subscribed and paid in; and thereupon the incorporators mentioned hereinbefore, shall give one week's notice in at least two newspapers published in the city of Pittsburg, of the time and place of meeting of the said subscribers, for the purpose of holding an election for a president, twelve directors and a treasurer, to serve for one year from the first day of September next ensuing, or until their successors are duly qualified.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER

No. 484.

SUPPLEMENT

To the act incorporating the Home Manufacturing Company, approved the fourteenth day of March, eighteen hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the charter of the Home manufacturing company, which expired on the fourteenth day of March, eighteen hundred and fifty-eight, in consequence of failure to pay the enrolment tax, be and hereby is revived: Provided, That the enrolment tax thereon shall be paid within sixty days from the passage of this act.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-eighth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 485.

AN ACT

To incorporate the Germantown Passenger Railway Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Charles Magarge, William S. Perot, Samuel Maupay, Thomas A. Biddle, Ellison P. Morris, William W. Wister, Cornelius S. Smith, James Kenipton, Frederick Collins, Samuel Huston, Mordecai L. Dawson, Henry J. Williams, Joseph Jones, John Morris, Senior, Charles W. Johnson, Philip R. Freas, Charles P. Perot, John R. Knorr, George W. Hamersly, William Millward, William Struthers, Jeremiah Eldridge, J. H. Wheeler, Charles Goepp, Charles W. Otto, Henry J. Smith, James P. Gibson, Edward Chase, Jabez Gates, John J. Griffith, John K. Gamble, Henry B. Brunner, Charles Weiss, David M'Clean, W. M. Reilly, J. S. Struthers, Vincent L. Bradford, Charles Wister, Henry E. Wallace, Robert P. King and Thomas H. Town, be and they hereby

Commissioners.

are appointed commissioners to procure books and make therein the following entries: We, whose names are hereunto subscribed, do promise to pay to the treasurer of the Germantown Passenger railway company, for the use of the said company, the sum of fifty dollars for each and every share of stock set opposite to our respective names, by us hereto subscribed, in such manner, times and proportions as may be determined upon by resolution of the board of managers of the said company, and shall give notice, in at least two daily papers of the city of Philadelphia, for two weeks, of the times and places at which the said books shall be opened to receive subscriptions for the capital stock of the said company, at which respective times and places at least one of the commissioners shall attend and keep the said books open for at least four hours in each day, for three periodical days, if so many shall be necessary, and allow any person or persons of the age of twenty-one years, and the Germantown and Perkiomen turnpike road company to subscribe therein, in his or their name, or in the name or names of any other person or persons, by whom he shall by a written power of attorney, to be signed by the said person or persons, or by the said turnpike road company, before a competent witness, and to be produced to and left with the said commissioners, for such number of shares as he may take; but no person or corporation shall be permitted to subscribe in his or their name, or in the name of any other person or persons, for more than ten shares each on the first day, nor for more than twenty shares each on the second day, and on the third or any succeeding day, for such number as he or they may think proper; and if at the expiration of the said third day the full number of four thousand shares shall not have been subscribed, then the attending commissioner or commissioners may adjourn from time to time, and from place to place, as he or they shall think proper, of which adjournment public notice shall be given as aforesaid; but whenever the number of shares subscribed shall amount to four thousand, then the said books shall be closed; and if before the said books shall have been declared to be closed, more than four thousand shares shall be subscribed, then the commissioners shall apportion the said four thousand shares among the subscribers in proportion to the number of shares subscribed by each person, but so that each subscriber shall have at least one share: *Provided always*, That every person offering to subscribe in his own name, or in the name of other persons, shall, previously thereto, pay to the attending commissioner or commissioners the sum of five dollars for every share so to be subscribed for, out of which sum the expenses of the commissioners shall be defrayed, and the remainder shall be paid over to the treasurer of the corporation, to be created by virtue hereof, as soon as the same shall be organized and the officers chosen as is hereinafter directed.

Form of subscription.

Opening of books. public notice of to be given.

Who may subscribe.

Shares, how subscribed for.

When books to be closed.

Proviso.

SECTION 2. That when four thousand shares of stock shall have been subscribed as aforesaid, or if, after the books have been kept open for three days, the whole number of four thousand shares shall not have been subscribed, then, when not less than two thousand shares shall have been subscribed, the said commissioners or any three of them, shall certify under their hands and seals the names of the subscribers and the number of

Letters patent, when to issue.

	shares subscribed by, or apportioned to each subscriber, to the governor of this commonwealth, and it shall thereupon be his duty, by letters patent under his hand and the seal of the state, to create and erect the said subscribers and their assigns, into
Style.	one body politic and corporate, in deed and in law, by the name, style and title of the Germantown Passenger railway company, and by the said name the subscribers shall have perpetual suc-
Powers.	cession, with power to make a corporate seal, and the same to alter, break and renew at pleasure, and all the rights, privileges and franchises belonging or incident to a corporation; and shall be able and capable of taking and holding their said capital stock and the increase and profits thereof, and of adding to or enlarging the same, by order of any stated meeting of the stock-
Real estate.	holders, or of any special meeting duly convened for that purpose, if such enlargement shall be found necessary to fulfil the objects and purposes of this act, and of purchasing, taking, receiving and holding all such real estate as may be necessary for station-houses, depots, shops, stables, and for such other purposes as may be, or become necessary to enable them to carry on the traffic on their said road, and the other purposes for which they were incorporated, with economy, facility and dispatch, and the same to sell, let or lease on ground rent, mortgage, lease or dispose of at their pleasure, and of suing and being sued, and of doing all and every other matter and thing which a corporation may lawfully do: <i>Provided</i> , That the said company shall not in the aggregate hold at any one time more than twenty acres of land.
Proviso.	
Organization.	SECTION 3. That the persons named in the letters patent, or any five of them, shall, as soon as conveniently may be after the same shall have been sealed, give at least ten days' notice in two or more daily newspapers printed at Philadelphia, of a time and place, to be by them appointed, at which the subscribers shall proceed to organize the said corporation, and shall choose by a majority of the said subscribers, by ballot, to be delivered in person, one president, nine managers, one treasurer, and such other officers as may be necessary to carry on the business of the company, who shall serve until others are regularly chosen, and to make such by-laws, rules and regulations as they may think proper for the well ordering of the affairs of this company, and for the government of the board of managers: <i>Provided however</i> , That the same shall not be inconsistent with the constitution and laws of this state or the United States: <i>Provided further</i> , That no person or corporation shall have more than one hundred votes at any meeting or election, and that each stockholder shall be entitled to one vote for each share held by him or them, not exceeding ten shares, and shall also have one vote for every additional ten shares held by him or them, not however to exceed in all one hundred votes.
Officers.	
By-laws.	
Proviso.	
Votes.	
Annual election.	SECTION 4. That the stockholders shall meet on the second Monday of June, Anno Domini one thousand eight hundred and fifty-nine, after their organization, and annually thereafter, at such place within the city of Philadelphia, as may be fixed upon by the by-laws of the corporation, or in default of any such by-law, by a resolution of the board of managers, for the purpose of choosing such officers as aforesaid, for the ensuing year; but

no failure to hold any such election shall be a cause of forfeiture of this charter, but the officers previously elected shall continue in office until others shall be regularly chosen.

SECTION 5. That the president and managers aforesaid shall procure certificates for the shares of stock of the said company so subscribed as aforesaid, and shall deliver the same, signed by the president and countersigned by the treasurer, and sealed with the seal of this corporation, to each subscriber for the number of shares subscribed or then held by him, which certificate shall be transferred at his or her pleasure, in person or by attorney, upon the books of the company, in presence of the president or of the treasurer, subject always to all payments due or to become due thereon; and every such assignee shall become a member of the said corporation, and be entitled to all the rights and privileges belonging to him as such: *Provided*, That the said company shall not be obliged to allow the transfer of any share of stock until all the instalments, actually due or called for thereon, have been satisfied and paid: *And provided further*, That no assignment of such share shall release the holder thereof from a liability to pay the instalments which were actually due or called for before the said assignment: *And provided further*, That if any stockholder shall omit, for the space of six months, to pay any instalment which may be called for, the managers of the company may either declare the shares of stock, on which the instalments are unpaid as aforesaid, to be forfeited, or may at their option bring suit to recover the said instalments with interest at the rate of twelve per cent. per annum, as debts of a like amount are by law recoverable against the person or persons, appearing by their books, to be the owner of those shares: *Provided*, That the councils of said city shall have power to lay a tax on the gross receipts of said company, not exceeding five per cent.

Certificates of stock.

Transfer of, &c.

Instalments to be paid before transfer.

Omission to pay instalments, relative to.

City councils, power to tax gross receipts.

SECTION 6. That the board of managers shall meet at such days and times, and at such places as may be fixed by the by-laws of the corporation, or in the absence of such by-laws, at such times and places as may be determined by themselves; five members shall form a quorum; they shall have full power to make by-laws, rules and regulations for their own government, and to carry on the business of this corporation, dispose of their funds, to employ such engineers, superintendents, assistants, or other officers, as may be found necessary; to direct and determine their duties, fix their salaries or compensation, and generally to do, perform, exercise and carry out all the matters and things, powers and authorities, objects and purposes for which this act of incorporation was granted and which are therein contained, subject only to the directions of this act and the control of the by-laws or resolutions of the meetings of stockholders.

Board of managers, powers and duties of.

SECTION 7. That the said corporation shall and may lay down, construct and complete a passenger railway, with single or double tracks on all or any part of the Germantown turnpike road within the city of Philadelphia, with such branches as may be necessary to connect them with any other railway or railways within the said city, and to procure the cars, carriages, and other appliances required for the objects and purposes of this act, and erect or procure the necessary offices, depots, station houses,

Railway, how and where constructed.

Guage of road.	work shops, stables, and such other buildings as may be required for the economical and convenient transaction of their business and the accommodation of their passengers: <i>Provided</i> , That the guage of the said railway shall be five feet and two inches, and the form of the rails laid down shall be approved by the city
Consent of Germantown and Perkiomen turnpike company to be obtained.	councils or by their officers: <i>Provided always</i> , That no work shall be commenced upon the line of the said railway until an agreement, authorizing the company hereby created, to construct and lay down their said road upon the bed of the Germantown turnpike, shall have been made and executed by and between the Germantown and Perkiomen turnpike road company and the said passenger railway company, upon such terms and conditions and with such restrictions as may be agreed on by the said parties, who are hereby respectively authorized to make and enter into such agreement not until the select and common councils of the city of Philadelphia shall have passed an act permitting and allowing the construction of the said road; the said agreement to be acknowledged and recorded in the office for recording deeds, et cetera, in the city of Philadelphia, as deeds are by the present laws required to be acknowledged and recorded: <i>And provided further</i> , That the consideration to be paid to the said the Germantown and Perkiomen turnpike road company for the use of their road, if any, may be paid either in cash or by the issue of such a number of shares of stock as may be required; which shares, so issued by the company, shall be upon the same footing with other shares of stock, and entitle the holders thereof to all the privileges of other stockholders.
Consent of city councils to be obtained.	
Proviso.	
Receipts and expenditures.	SECTION 8. That the president and managers shall keep a just and true account of all their receipts and expenditures, and shall and may twice in each year, on such days as may be fixed by the by-laws, make a dividend of the clear net profits derived from the tolls received by them, first deducting all charges for repairs and other expenses, whether regular, incidental or contingent, and shall give public notice of the time and place at which such dividend shall be paid, and shall cause the same to be paid accordingly: <i>Provided always</i> , That the said company shall pay to the city of Philadelphia a tax of six per cent. per annum, upon so much of any dividend as shall exceed six per cent. per annum in any one year, to be paid to the said city at the end of each year: <i>And provided further</i> , That the capital stock of the said company shall not be subject to any further, or other assessment for taxes by the said city.
Dividends.	
Per cent. on dividends to be paid to the city.	
Proviso.	
Ascents and descents, how regulated.	SECTION 9. That the said Germantown Passenger railway company, with the consent and approbation of the said Germantown and Perkiomen turnpike company, and of the councils or board of surveyors of the city of Philadelphia, shall and may have power and authority to alter and regulate the ascents and descents of their said railway, and to cut down or raise the present bed of the turnpike road, so far as may be required to enable them to use their railway with ease and convenience; but no such work shall, in any case, be commenced or carried on until plans and specifications of the said proposed alterations shall have been submitted to the managers of the Germantown and Perkiomen turnpike road company, and to the councils or board of surveyors of the city of Philadelphia, nor until their

consent to, and approval thereof, shall have been obtained and filed in the office of the said Germantown Passenger railway company.

SECTION 10. That when the said railway, or any part or parts thereof shall have been constructed and completed, the said company shall be authorized to charge and receive as tolls, for the carriage of passengers, not more than five cents for each passenger for any distance under two miles, and for two miles, and any distance beyond two miles, at the rate of not more than three cents per mile, all fractional parts of a mile being considered and charged as one mile. Tolls.

SECTION 11. That if any person or persons shall wilfully break, remove or destroy, with intent to injure any part of the said railway, or the cars, carriages, station houses, or other buildings of the said company, or shall, without the consent of the said company, wilfully and maliciously obstruct or impede the passage on or over the said railway, or any part thereof, the person or persons so offending shall forfeit and pay, for every such offence, the sum of five dollars, to be recovered as debts of a like amount are by law recoverable; but no such suit shall be brought, unless commenced within sixty days after such offence has been committed; and the persons so offending shall remain liable to actions at the suit of said corporation, if the sums so recovered shall not be sufficient to re-pay and satisfy the damages occasioned by their acts as aforesaid: *Provided*, That before the said railroad company shall go into operation, they shall purchase all the omnibuses running over the said route, together with the horses and harness belonging to the same, at a price to be agreed upon in the following manner, to wit:—The said company shall choose one person, and the proprietor or proprietors of any such omnibuses shall choose one other person, and the two so chosen shall choose a third, who shall value the omnibuses, horses and harness aforesaid, and whose decision shall be final: *Provided*, That said company shall be subject, in all respects, to the provisions of the general laws regulating railroads, passed nineteenth February, Anno Domini one thousand eight hundred and forty-nine, and the several supplements thereto. Injuries to railway cars or other property.
Purchase of omnibuses, &c.

SECTION 12. That said company may issue bonds and borrow money, to an amount not exceeding fifty per cent. of their capital stock, and secure the same by mortgage on their road: *Provided*, That no bond shall be issued of less denomination than one hundred dollars. May issue bonds.
Proviso.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 486.

AN ACT

Authorizing Simpson Spohn and Philip Goughler, two of the Executors of George Spohn, late of Spring township, Berks county, deceased, to sell the Real Estate of said deceased.

WHEREAS, George Spohn, late of Spring township, Berks county, deceased, in his lifetime made his last will and testament, dated the twentieth day of August, one thousand eight hundred and fifty-six, in which he appointed his son, Simpson Spohn, and his son-in-law, Philip Goughler, his executors, and authorized them as executors to sell his real estate, subject to a charge of four thousand dollars, of which his widow, Susanna Spohn, was to receive the interest and have other privileges upon the premisses, and two days afterwards added a codicil to his will, in which he appointed his three other sons, John Spohn, Elijah Spohn and Isaac L. Spohn, executors, in addition to the two already mentioned, giving them the same power and authority jointly with the other executors, to execute his will, in which codicil, however, there is but one subscribing witness; and that the said George Spohn, died on the twenty-fifth of September, one thousand eight hundred and fifty-six, and his last will and testament was duly proven and admitted to probate, on the eighth day of October, one thousand eight hundred and fifty-six, and letters testamentary granted to said Simpson Spohn and Philip Goughler; the other three executors then being in California; that the codicil was proved and admitted to probate at the same time, as part of the will, the same however being imperfect and defective, being only proved by the one subscribing witness:

And whereas, Susanna Spohn, the widow of said George Spohn, died on the fourteenth day of May, one thousand eight hundred and fifty-seven, and Elijah Spohn was since lost and died at sea, and it is not known at this time where the other two executors are; and the two executors first named, and all the children and legatees of the said George Spohn, deceased, are desirous of selling the real estate under the will, and can at this time sell the same to great advantage, and for a full and high price, but that purchasers are apprehensive that they may not receive a good and valid title, and may have future difficulties, unless some legislation be had in the premises; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That Simpson Spohn and Philip Goughler, executors of the last will and testament of George Spohn, late of Spring township, Berks county, deceased, be and they are hereby authorized, after giving four successive weeks' notice in one English and one German newspaper, published in Berks county, to sell at public sale all the real estate of said George Spohn, deceased, wherever

situate, in the whole or in parts, as may be deemed best for all persons interested, and to execute and deliver deeds or a deed to the purchaser or purchasers thereof, in fee simple: *Provided*, That before any deed is executed and delivered, the said executors shall make return of the sale or sales, to the orphans' court of Berks county, which court, if they approve of such sale or sales, shall confirm the same: *And provided further*, That before any sale or sales are confirmed by the court, the said executors shall give bond in double the amount of the sales, with two sureties, to be approved by said court and filed in said court, conditioned for the faithful appropriation and distribution of the purchase moneys, according to the last will and testament aforesaid.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 487.

A N A C T

To incorporate the Willis Stump Extractor and Manufacturing Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* F. F. Merceron, Joseph Konigmacher, Samuel C. Slaymaker, Corporators. Ezekiel Lincoln, W. W. Willis, John Price Wetherell, their associates, successors and assigns, and such other persons as shall become shareholders, be and the same are hereby erected and constituted a body politic and corporate, in deed and law, by the name, style and title of the Willis Stump Extractor and Style. manufacturing company, to be located in this commonwealth, with a capital of twenty thousand dollars, with power to in- Capital. crease the same to any sum not exceeding thirty thousand dollars, to be divided into shares of one hundred dollars each.

SECTION 2. That the affairs of said company shall be managed Directors. by a board of not less than three nor more than five directors, one of whom shall be president, who shall be chosen by the di- Officers, election rectors; the election for directors shall be held annually, at of.

Votes.	such time and place as the company may determine, of which public notice shall be given; all elections shall be by ballot, and every share of stock subscribed and paid in shall entitle the holder to one vote; and in case of vacancy in the board of directors, by death, resignation or otherwise, the remaining members of the board shall elect new directors, to fill such vacancy until the next annual election of the stockholders.
Vacancies, how filled	
Seal.	SECTION 3. That the said corporation shall have authority to hold and use a common seal, and the same to change, alter and renew at pleasure; and by the name, style and title aforesaid shall be able and capable in law to sue and be sued, plead and be impleaded, in any court of this commonwealth or elsewhere; and may make all needful rules, regulations and by-laws, for the management and business of the corporation.
By-laws.	
Real estate.	SECTION 4. That the said corporation shall have the right to purchase and hold, in fee simple, or to lease for a term of years, any real estate in this commonwealth, not exceeding at any one time in value twenty thousand dollars, with power to sell, mortgage, lease or otherwise dispose of the same or any part thereof; and the capital of said company may be employed in acquiring said lands and improving the same for manufacturing said stump extractor and machines connected therewith, and also for the purpose of using, vending and selling said stump extractor, and selling and disposing of rights of townships and counties, within this commonwealth, for using the same, and for such other objects as may be necessary in the prosecution of said business.
Capital, how employed. &c.	
Stock.	SECTION 5. That the stock of said company may be transferred agreeably to the by-laws which may be adopted by the corporation; and that dividends may be declared and paid semi-annually; and if the directors shall make a dividend of more than the actual net profits, the directors consenting thereto shall severally be liable, in their individual capacity, for the excess so divided and paid.
Dividends.	
When to take effect.	SECTION 6. That this act shall take effect as soon as one hundred shares are subscribed and paid in.
Limitation.	SECTION 7. That this act shall continue in force for twenty years, when the corporation hereby created shall expire, except for the purpose of winding up its affairs.
Bonus.	SECTION 8. That the said corporation shall pay to the state treasurer, for the use of the commonwealth, a bonus of one-half of one per centum on the capital stock of said company required to be subscribed to carry this act into effect, and the same amount upon any increase thereof, payable in four equal annual instalments, the first payment to be made in one year from the date hereof, and shall pay such tax upon dividends as is or may be provided by law.
Individual liability.	SECTION 9. That the stockholders of said company shall be jointly and severally liable, in their individual capacities, for all debts and contracts made by said company to the amount remaining unpaid on each share of stock held by them respectively, and shall also be liable for all debts due to mechanics, workmen and laborers employed by them, and materials furnished to said company, to be sued for and collected as provided by the twelfth, thirteenth and fourteenth sections of an act incorporating the Lackawanna coal and iron company, ap

proved the fifth day of April, one thousand eight hundred and fifty-three.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 488.

AN ACT

To incorporate the Chesnut Hill and Cheltenham Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Owen Sheridan, Charles Megarge, Jesse Lightfoot, Joshua Commissioners. Comly, Enoch Rex, George W. Wolf, Charles Heebner, Matthew Haas, John Stallman, Herman Haupt, Charles Weiss, Curtis J. Gilbert, John Welsh and John Wistar, Junior, be and they are hereby appointed commissioners to receive subscriptions and organize a company by the name, style and title of the Chesnut Style. Hill and Cheltenham railroad company, with power to construct a railroad, connecting with the North Pennsylvania railroad, at Powers. or near the village of Edge Hill, in Cheltenham township, in Montgomery county, to Chesnut Hill, in the Twenty-second ward, city of Philadelphia, with the right to connect with, and cross the Chesnut Hill railroad.

SECTION 2. That the capital stock of said company shall be Capital stock. seventy-five thousand dollars, divided into shares of fifty dollars each, with privileges to increase the same from time to time, to an amount sufficient to complete their road and provide the same with all the necessary cars, locomotives, machinery, depots, water stations, et cetera.

SECTION 3. That the directors of said company are hereby authorized to pay to the stockholders entitled to receive the same, interest at the rate of six per centum per annum, on all instalments paid by them, until the work is completed and in operation, which interest shall be charged to the cost of the road, and the stock of said company shall not be subject to any tax until the said company shall declare dividends, at which time they shall be subject to the general laws taxing dividends: *Pro-* May pay interest to stockholders. *vided,* That the legislature reserves the right to tax said company or its profits, whenever the public interest shall require it. Proviso.

May borrow money and issue bonds.

To be secured by mortgage.

Proviso.

Subject to.

Commencement and completion.

SECTION 4. That the directors of the said company may borrow money to an amount not exceeding fifty thousand dollars, and issue their bonds therefor, either with or without coupons, in sums not less than one hundred dollars each, and secure the payment of the principal and interest of said bonds, by a mortgage or mortgages upon the road, property and franchises of the said company; and the said directors may make the said bonds convertible into stock, at par, if such course shall be deemed advantageous to said company: *Provided*, That the declaratory act, passed the twenty-fifth day of February, one thousand eight hundred and fifty-six, respecting the interest on loan certificates, issued by any railroad or canal company, together with the eleventh section of the act of July twenty-sixth, one thousand eight hundred and forty-two, referred to therein, shall extend and be applied to the certificates issued under the present act.

SECTION 5. That said company shall be entitled to all the privileges and subject to all the restrictions imposed by an act, entitled "An Act regulating railroads," approved the nineteenth day of February, one thousand eight hundred and forty-nine, and the several supplements thereto, except so far as otherwise provided in this act.

SECTION 6. That if the said company shall not commence their road within three years, or complete the same within six years from and after the passage of this act, then the same shall be null and void, except so far as the same shall be necessary to settle up the affairs and pay the debts of said company.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 489.

AN ACT

To incorporate the Pigeon Swamp Meadow Company.

Preamble.

WHEREAS, There is a certain large tract of marsh and meadow land situate in the township of Bristol, in the county of Bucks, called "Pigeon swamp," extending from the head of Bristol mill pond, on both sides of Mill creek and Pigeon Swamp run, several miles in length; this swamp is believed to occasion sickness in the neighborhood, by the noxious vapors arising therefrom, and

is known to cause great loss to property holders, by overflowing and rendering unproductive much valuable land :

And whereas, The said creek and run have become obstructed in many places, and are inadequate to carry off the water of said swamp, and a recent survey having shown that there is sufficient fall in the ground to draw off the waters of said swamp, if a suitable channel were made and kept open for the purpose ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* 'That the owners of freehold estates, either in possession or reversion, Corporators. in common or in severalty, in the aforesaid marsh and meadow land contained within the following boundaries, to wit:—Beginning at the south-easterly side of the Allentown road, thence down the easterly side of said swamp where it joins the fast land by the several courses thereof, to the road crossing said creek near the head of the mill pond ; thence by the north-easterly side of said road across said swamp ; thence up the westerly side thereof where it joins the fast land by the several courses thereof, and crossing the said Mill creek to the side of the Allentown road aforesaid ; and thence by the same across said swamp to the place of beginning, shall be and they are hereby erected into a body politic and corporate, in law and in fact, under the name, style and title of "The Pigeon Swamp Style. meadow company," and by the name, style and title aforesaid, to have and enjoy all the usual and necessary powers of bodies politic and corporate ; and the marsh and meadow lands aforesaid, shall be called and known as the Pigeon Swamp Meadow district.

SECTION 2. That it shall and may be lawful for the said company, or of as many of its members as shall see fit to meet together on the fourth Saturday after the passage of this act, and on the first Saturday in March in every year thereafter, at two o'clock in the afternoon, at the house of David B. Taylor, near said meadows, or at such other convenient place as may be hereafter appointed by the annual meeting, of which time and place due notice shall be given to each member, and then and there in person, or by proxy, to elect or choose by ballot or ticket three When and where members to meet suitable persons, members of said company, to be managers of said company for the year next ensuing, or until the next election. Election of managers.

SECTION 3. That in case of any vacancy by death, resignation, Vacancies, how filled. cessation of ownership or otherwise, of any of the said managers, those remaining shall fill such vacancy by the appointment of a member of the said company to serve as manager until the next annual election.

SECTION 4. That each member of the company, their heirs and successors, shall pay to the managers, for the time being, his, her or their proportion of all expenses incurred or to be incurred by the said managers, in such manner as the company, at their annual meeting, shall from time to time direct. Expenses, how paid.

SECTION 5. That the said managers may convene the company in general meeting, on reasonable notice, whenever the interests Managers, duty of. of the same require it ; they shall submit to the company, at its

- annual meeting for the election of officers, a full and fair statement of the condition of the ditches and other works in their charge, together with a full account of all receipts and expenditures, in money or work, during the year; and they shall also produce, for the inspection of the meeting, or such committees as it may appoint, all books and accounts belonging to the company; and in case of disagreement between the managers and company, touching their accounts, the matter shall be referred to the arbitration of three disinterested persons, to be mutually agreed upon by the parties; but if the parties cannot agree in the choice of such arbitrators, they are to be appointed by the nearest justice of the peace, not interested, at the request of either party.
- Accounts, relative to.
- Rules, by-laws, &c.
- Proviso.
- SECTION 6. That the annual meeting shall have power to make such rules, ordinances and by-laws, for the regulation of the company, as to them shall appear necessary: *Provided*, That such rules, ordinances and by-laws shall not be repugnant to the constitution and laws of the commonwealth.
- Further duty of managers.
- SECTION 7. That it shall be the duty of the said managers to enlarge, deepen, widen, and where necessary, alter the course of the aforesaid creek and run, from the Allentown road aforesaid to the head of the mill pond, and construct a main ditch or water course so as to obtain the greatest fall the ground will admit of, and most effectually drain said Pigeon Swamp Meadow district, and the same from time to time to repair, scour out and keep open; and for such purpose they, or the persons under their directions, shall have power at all times to enter on any lands in said swamp between said road and pond; and the said managers shall keep a regular account of the expenses of constructing and maintaining such draining works, which shall be apportioned among the members of the said company according to the quantity of land by them respectively held in said Pigeon Swamp Meadow district, and until it shall be otherwise directed by the company, they shall call upon each member to work out his, her or their share or portion of the expense aforesaid: *Provided*, That the nature of the work and urgency of the case will admit; and should any member neglect or refuse to make payment, the said managers shall have power to sue for and recover the same, and all other moneys which shall become due to the company, as other debts of the same amount are recoverable, and cause a survey and valuation of the said Meadow district to be made when directed so to do by the company.
- Expenses to be apportioned, &c.
- Proviso.
- Penalty for injuries to works.
- SECTION 8. That if any person or persons shall wilfully injure any of the said draining works, or stop or obstruct the free course of the water along the said Mill creek and Pigeon Swamp run, any where between the said Allentown road and Bristol mill pond, so as to annoy, injure or overflow any part of the said Pigeon Swamp Meadow district, such person or persons shall, on conviction thereof before the court of quarter sessions of the county of Bucks, in addition to the other penalties provided by law for such offence, forfeit and pay, to the use of the said company, treble the amount of the damages done, to be assessed by two or more indifferent persons to be appointed by the court for that purpose.

SECTION 9. That the legislature hereby reserves the right to ^{Reservation} alter, amend or repeal this act, whenever, in their opinion, it may become necessary for the public advantage so to do.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 490.

A N A C T

To pay R. Bogle and Company certain moneys.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the state treasurer be and he is hereby authorized to pay, out of any money in the treasury not otherwise appropriated, to R. Bogle and Company, twenty per cent. of the tolls received by the collector of the Juniata division of the Pennsylvania canal, at Huntingdon, on coal shipped at that place by the Huntingdon and Broad Top railroad company, from the first of April to the first of August, one thousand eight hundred and fifty-seven, being the amount of drawback guarantied to said railroad company on coal shipped over the state canal, agreeably to the fifth section of the act of the seventh of May, one thousand eight hundred and fifty-five, entitled "An Act to provide for the ordinary expenses of government, the repairs of the public canals and railroads, and other general and special appropriations:" *Provided*, The state treasurer is satisfied that the said Bogle and Company are the proper persons to receive the said drawback: *Provided further*, That the auditor general shall audit and certify the said amount to be paid to said Bogle & Company.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The first day of May, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 491.

A N A C T

To incorporate the Richland Mutual Fire Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Samuel C. Bradshaw, Richard Moore, David N. Shelly, Milton Kern, John Ball, John B. Missimer, Benjamin G. Foulke, Samuel B. Stout, Joshua Foulke, Antrim Morgan, Paul Applebach and Milton Johnson, and such other persons as are or may be associated with them under the authority of this act, their successors or assigns, are hereby made a corporation, by the name of the Richland mutual fire insurance company, and they and their successors are hereby made a body politic and corporate in law, with all the legal incidents of a corporation aggregate, to have and enjoy all the rights, powers and privileges, and be subject to all the limitations and restrictions provided and enacted by an act of assembly, passed the second day of April, one thousand eight hundred and fifty-six, entitled "An Act to provide for the incorporation of insurance companies," and shall be limited to the risks designated in the first class in the seventh section of said act, and shall transact its business upon the mutual principle.*

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The fifteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 492.

A N A C T

Supplementary to an act to incorporate the Wampum Coal and Iron Company, approved the twentieth day of May, one thousand eight hundred and fifty-seven.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

in addition to the privileges heretofore granted, the said company shall have the right and power to manufacture railroad and other bar iron, nails and spikes; also to hold lands in any of the townships in the county of Lawrence, but no greater amount than is heretofore authorized to be held at any one time.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The seventh day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 493.

A N A C T

Incorporating the Railroad Car Spring Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Augustus B. Davis, Nathan Middleton, D. C. Enos, J. Warner Erwin and Robert A. Parrish, junior, and their successors, be and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name, style and title of the Railroad Car Spring company, and by that name shall have perpetual succession, and be capable in law of holding and conveying such personal property and using and occupying such real estate as may be necessary for the objects of this company; may sue and be sued, plead and be impleaded, in all the courts of law and equity; may have a common seal, which they may alter and renew at pleasure; may receive and execute and deliver all such contracts and instruments of writing generally as may be necessary; and do such other acts and things as may be necessary to assist, promote and carry out the objects and designs of this company, namely, the manufacture or purchase and sale of railroad car springs out of animal or vegetable fibrous material.

SECTION 2. That the interests which the said parties hereto hold in certain letters patent of the United States, for making railroad car springs out of animal or vegetable fibrous material, shall form a common stock, and be divided into a convenient number of shares and apportioned by the said company amongst the parties hereto, according to their respective interests, for which certificates of stock shall be issued, and assignable and transferable in such way, and be subject to such conditions, as the said company may from time to time prescribe; and the

Interest in certain letters patent to form common stock. &c

Proviso. said shares of stock so created shall be for all legal purposes whatever deemed and taken as personal estate: *Provided*, That the capital stock shall not exceed fifty thousand dollars, and the par value of each share shall not be less than twenty-five dollars.

Stockholders, meeting of to be published. SECTION 3. That the stockholders shall meet as soon as practicable after the passage of this act, (notice of the time and place of meeting having first been given by advertisement in one newspaper published in the city of Philadelphia,) and annually thereafter, at such time and place as shall be fixed upon, and shall

Election. then and there proceed to elect, by ballot, five directors, to serve for the term of one year and until others are chosen in their places; and said election shall be made by such of the stockholders of the said company as shall attend for that purpose, either in person or by proxy, each share of stock to entitle the holder thereof to one vote; the directors so chosen shall elect one of their number to be president of the board of directors of the said company, and in case of vacancy or absence, the office shall be filled by such person or persons as a majority of the directors remaining may appoint.

Votes. SECTION 4. That the directors shall have full power to make Vacancy. by-laws, and appoint such officers and agents as they shall deem expedient for the well conducting and transacting the business of the company, to declare and provide for the payment of dividends to the stockholders, and in general to superintend and manage the affairs and business of the company: Dividends. Proviso. *Provided*, That such by-laws shall not be repugnant to the constitution and laws of this state or of the United States.

Individual liability. SECTION 5. That the stockholders of the said company shall be jointly and severally liable, in their individual capacities and estates, for all the debts due to mechanics, workmen and laborers employed by said company, and for materials and produce furnished said company, to be sued for and collected as is prescribed by the twelfth, thirteenth and fourteenth sections of the act incorporating the Lackawanna iron and coal company, approved the fifth day of April, Anno Domini one thousand eight hundred and fifty-three: *Provided*, That the company shall pay into the state treasury the one-half of one per cent. on the amount of their capital stock, in four semi-annual instalments, the first thereof at the time their letters patent shall be signed by the governor: *Provided*, That this act shall not be construed to authorize the company hereby incorporated to manufacture elliptic springs or steel springs of any description.

Proviso.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fourteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 494.

A N A C T

To amend the Charter of the Historical, Agricultural and Mechanics' Institute of Lancaster.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the capital stock of the Historical, Agricultural and Mechanics' institute of Lancaster, chartered by the court of common pleas of Lancaster county, on the twenty-third day of November, Anno Domini one thousand eight hundred and fifty-seven, shall be fifty thousand dollars, to be divided into shares of twenty dollars each, and shall have the right to increase the same to one hundred thousand dollars, whenever two-thirds of the stockholders, at any regular meeting convened upon fifteen days' notice, published in two newspapers in the city of Lancaster, especially for the purpose, shall so determine; and that the officers of the said institute, or the board of managers, or any five of them, shall be commissioners to open books to receive subscriptions to the capital stock of said institute.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The first day of May, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 495.

A N A C T

To incorporate the Erie and Pittsburg Railroad Company.

WHEREAS, The Erie and North-East railroad company by an Preamble
act of assembly, approved the twenty-second day of April, one thousand eight hundred and fifty-six, entitled "An Act supplementary to the act incorporating the Erie and North-East railroad company," was, among other things, required to subscribe to the Pittsburg and Erie railroad company four hundred thou-

sand dollars, or instead of such subscription, to locate by such route as they may deem most practicable, and commence the construction of such portion of the main line of the Pittsburg and Erie railroad, between the harbor of Erie and the coal fields of Mercer county, as shall cost not less than four hundred thousand dollars, and complete the same within two years hereafter:

And whereas, The said Erie and North-East railroad company has adopted the latter of the two aforesaid requirements, and has located the route for a railroad between a point west of Elk creek, on the line of the Cleveland, Painesville and Ashtabula railroad and Jamestown, in the county of Mercer, a distance of forty miles, and has expended three hundred and six thousand dollars towards grading and preparing the same for the superstructure :

And whereas, The aforesaid act of April the twenty-second, one thousand eight hundred and fifty-six, is defective in not providing a proper, sufficient and independent organization for a company disconnected from and independent of any other ; to remedy which, therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John A. Tracy, Dean Richmond, Milton Courtright, Andrew Scott, Prescott Metcalf, John Brawley and John H. Walker, and their successors, be and hereby are created a body corporate, by the name, style and title of the Erie and Pittsburg railroad company ; that the persons named shall continue in office, the first as president, and the others as directors, until their successors are elected by the stockholders, as hereinafter provided ; that the said corporation shall have power to complete the construction of the railroad, now building by the Erie and North-East railroad company, under the provisions of the act of April the twenty-second, one thousand eight hundred and fifty-six, between the Cleveland, Painesville and Ashtabula railroad, in the county of Erie, and Jamestown, in the county of Mercer, and shall be subject to all the provisions and restrictions, and possess all the rights and privileges of an act regulating railroad companies, approved the nineteenth day of February, one thousand eight hundred and forty-nine, and the several supplements thereto, so far as the same are not supplied or altered by this act ; that the governor, without the usual preliminary proof by certificate, that the books had been opened, stock subscribed and a per cent. paid thereon, shall, by letters patent under his hand and the seal of the commonwealth, create and constitute the persons named in this section, their successors and assigns, a body politic and corporate, in deed and in law, by the name, style and title aforesaid, with all the rights, privileges and franchises provided for in this act, and the aforesaid act of February nineteenth, one thousand eight hundred and forty-nine, and the supplement thereto.

SECTION 2. That the capital stock of the said company shall consist of twenty thousand shares of fifty dollars each ; and the said company shall have power and is hereby authorized to extend their road from time to time, within the period of five years from the date of this act, from Jamestown, in the county

Corporators.

Style.

Powers

Subject to

Capital stock.

of Mercer, to New Castle, in the county of Lawrence, and also from a point at or near its intersection with the Cleveland, Painesville and Ashtabula railroad, to Erie, and connect with, and form running arrangements with railroad companies, either at the northern or southern end of the same, or at any intermediate point or points. For the purpose of extending said railroad, the said company may from time to time, by a vote of the stockholders, called for the purpose, increase the capital stock, if it shall be deemed necessary, to thirty thousand shares; and for the purpose of completing and equipping the said railroad, or any part thereof, the said company shall have power to issue from time to time, bonds, but not for a less amount than one hundred dollars, in the corporate name and under the common seal of the said company, payable at any time not later than thirty years after their date, with coupons attached to the same, on such terms and at such rate of interest as they may deem expedient. It shall be lawful for said company to secure the payment of the said bonds and coupons, to execute a mortgage on all or any part of the road or personal property of said company, which said mortgage may also include the tolls, issues and profits of the said company, or any part thereof; and if the said mortgage shall so stipulate, the president and directors of said company and their agents, may continue in the possession and management of the said property so mortgaged, real as well as personal, without prejudice to the security of said mortgage. The said company may sell and dispose of the bonds by this section authorized to be issued, for the best price or prices which can be obtained for the same; and the purchase of said bonds so to be issued as aforesaid, shall not be deemed to be usurious, or in violation of the laws of this commonwealth prohibiting the taking of more than six per centum per annum interest; and the holders of the said bonds so to be issued as aforesaid, may with the consent of the Erie and Pittsburg railroad company, convert the said bonds into the capital stock of said company, at par.

Route.

Increase of capital stock.

May issue bonds.

Bonds, how secured.

How to be disposed of.

SECTION 3 That nothing contained in this act shall relieve or release the Erie and North-East railroad company from expending the four hundred thousand dollars required to be expended by the act of April the twenty-second, one thousand eight hundred and fifty-six, entitled "An Act supplementary to an act incorporating the Erie and North-East railroad company;" but the sum already expended by that company, towards constructing the railroad now building by said company, under the aforesaid act of April the twenty-second, one thousand eight hundred and fifty-six, shall be counted and taken as part of the said sum of four hundred thousand dollars; and the balance, if any unexpended, shall be expended under this act towards the completing the road between the Cleveland, Painesville and Ashtabula railroad and Jamestown.

Erie and North East railroad company not to be released, &c.

SECTION 4. That the Erie and Pittsburg railroad company is hereby authorized to issue stock to the Erie and North East railroad company, for the four hundred thousand dollars authorized to be expended as aforesaid, and for any additional sum which said Erie and North-East railroad company may subscribe or expend towards the completion of said Erie and Pittsburg

Authorized to issue stock to the Erie and North East railroad company.

railroad, between the said Cleveland, Painsville and Ashtabula railroad and Jamestown, or in extending the same; and the said Erie and North-East railroad company may hold said stock and vote upon the same as if said stock was held by an individual, or may dispose of the same, or any part thereof, to individuals.

Releases, relative to.

SECTION 5. That all releases obtained by the Erie and North-East railroad company, for the right of way for the railroad now constructing by said company under the provisions of the aforesaid act of April the twenty-second, one thousand eight hundred and fifty-six, in whatever form the same may be, shall inure and belong to the Erie and Pittsburg railroad company the same as though said releases were expressly to said Erie and Pittsburg railroad company.

Transfer by the Erie and North-East railroad company.

SECTION 6. That the Erie and North-East railroad company is hereby authorized and empowered to transfer to the Erie and Pittsburg railroad company all right, title and interest of said Erie and North-East railroad company to the right of way, contracts, stock and railroad constructing by the Erie and North-East railroad company, under the provisions of the act of April the twenty-second, one thousand eight hundred and fifty-six, and in payment for which the said Erie and Pittsburg railroad company shall issue to said Erie and North-East railroad company stock at par.

Officers and election of.

SECTION 7. That the president and directors above named, shall continue in office until an election is held under this act, and shall have power, until said election, to appoint a treasurer and secretary, which officers shall thereafter be appointed by the board of directors.

Management of company.

SECTION 8. That the affairs of the said company shall be managed by a president and six directors, of whom three directors and the president, or any four directors, in the absence of the president, shall constitute a quorum.

Extension of time, &c

SECTION 9. That the Erie and North-East railroad company shall have the further time of one year to expend the four hundred thousand dollars required by the act of the twenty-second April, one thousand eight hundred and fifty-six, and the Erie and Pittsburg railroad company the further time of two years, from the passage of this act, to complete the Erie and Pittsburg railroad, from the Cleveland, Painesville and Ashtabula railroad, to Jamestown, in the county of Mercer.

Required to occupy the bed of certain road.

SECTION 10. That the said Erie and Pittsburg railroad company, in continuing their road south from Jamestown, in the county of Mercer, shall be required to occupy the railroad bed of the main line of the Pittsburg and Erie railroad company, already graded, or in part graded, by and with the consent of the said Pittsburg and Erie railroad company, and the releases for and right of way obtained, and work done by said Pittsburg and Erie railroad company on the main line of said road, with the consent of said company, shall inure to the benefit of and belong to the Erie and Pittsburg railroad company, upon condition that the Erie and Pittsburg railroad company pay to the Pittsburg and Erie railroad company such sum as may be agreed upon by said companies for work done, right of way, fencing, and the moneys necessarily expended in the prosecution of the work done upon that portion of the main line of said road by

Releases for right of way, &c.

the said Pittsburg and Erie railroad company ; and the said Pittsburg and Erie railroad company are hereby authorized to transfer to said Erie and Pittsburg railroad company all the work done, right of way, releases for right of way, paid for and obtained by said company, materials, privileges and franchises to be held and used by said Erie and Pittsburg company, as fully as the said Pittsburg and Erie railroad company could hold and use the same.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

RESOLUTIONS

PASSED SESSION OF EIGHTEEN HUNDRED AND FIFTY-EIGHT.

No. 1.

RESOLUTION

Relative to the pay of the Retiring Officers of the General Assembly.

Resolved by the Senate and House of Representatives in General Assembly met, That the state treasurer is hereby authorized and directed to pay, out of any moneys in the treasury not otherwise appropriated, the retiring officers of the last session of the general assembly, for five days services at the opening of the present session, and the usual mileage.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The sixth day of January, Anno Domini one thousand eight hundred and fifty-eight.

JAS. POLLOCK.

No. 2.

RESOLUTION

Relative to the Purchase of Certain Books for the Legislature.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the clerks of the Senate and House be authorized to procure a copy of the last edition of Purdon's Digest, Sutherland's Legislative Manual, M'Kinney's Digest of the Banking Laws of Pennsylvania, and a railroad map of this commonwealth, for each member and clerk and assistant clerk of the respective houses; and that the state treasurer be and he is hereby author-

ized to pay the same out of any moneys in the treasury not otherwise appropriated.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The eighteenth day of January, Anno Domini one thousand eight hundred and fifty-eight.

JAS. POLLOCK.

No. 3.

RESOLUTION

Relative to the account of F. Knox Morton, late Treasurer of the city of Philadelphia.

WHEREAS, The sum of eighty-one thousand dollars is reported to be due the commonwealth by F. Knox Morton, late city treasurer :

And whereas, Doubts exist as to the correctness of the said account, from the fact of the officers of the commonwealth having no means of examining the books of said late treasurer :

And whereas, The true amount supposed to be due the commonwealth is over one hundred thousand dollars ; therefore,

Resolved, That the auditor general and state treasurer be and they are hereby authorized to appoint an auditor, whose duty it shall be to examine the books and accounts of F. Knox Morton, late treasurer of the city of Philadelphia, and make a report of the same, verified by oath or affirmation, to the auditor general and state treasurer, who shall report the same to the legislature.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-ninth day of January, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 4.

RESOLUTION

Providing for the Payment of Certain Expenses attending the late Inauguration of the Governor.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the sum of two hundred and twenty-nine dollars and sixty-three cents (\$229 63) be and the same is hereby appropriated, out of the state treasury, to pay the expenses incurred by the joint committee of arrangements, in ceremonies connected with the inauguration of William F. Packer, as governor of the commonwealth; the said amount to be paid by the state treasurer to the persons entitled to receive the same, upon presentation of their respective accounts, properly approved and certified by the chairman of said committee.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The first day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 5.

RESOLUTION

Providing for the Payment of Joseph Clark, late Supervisor of the Lower Western division of the Pennsylvania canal.

WHEREAS, It appears, by final settlement duly made by the accounting officers of the commonwealth, that there is due Joseph Clark, late supervisor of the Lower division of the Pennsylvania canal, the sum of forty-one dollars and seventy-two cents; therefore,

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the state treasurer is hereby authorized and directed to pay Joseph Clark the sum of forty-one dollars and seventy-two cents,

out of any moneys, not otherwise appropriated, in the treasury, in full of his account against the commonwealth as supervisor.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The second day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 6.

RESOLUTION

Relative to the Purchase of Diagrams for the use of the Senate and House of Representatives.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the clerk of the Senate be authorized to contract for the printing of one thousand diagrams of the Senate, and three hundred of the House of Representatives: Provided, The same shall not exceed a cost of twelve and one-half cents per copy; and the clerk of the House is hereby directed to procure three thousand diagrams of the House and five hundred of the Senate, for the use of the House, and the state treasurer is hereby authorized to pay the accounts for the same.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The tenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 7.

RESOLUTION

To pay Frederick Kittell certain compensation for services rendered to the House of Representatives at the commencement of the session of eighteen hundred and fifty-eight.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That there be allowed to Frederick Kittell, for services as an assistant sergeant-at-arms of the House of Representatives, at the present session, the sum of sixty-three dollars and forty cents, and the state treasurer be authorized to pay the same out of any funds in the treasury not otherwise appropriated.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The seventeenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 8.

RESOLUTION

To provide for the Printing of three hundred copies of the Constitution of the State, including the recent Amendments, for the use of the Senate and the House of Representatives.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That three hundred copies of the constitution of said commonwealth, including the recent amendments, be printed for the use of the Senate and House of Representatives; the printing to be under the supervision of the speakers of the two houses.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 9.

RESOLUTION

To supply certain Books to the Attorney General.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the state librarian be and he is hereby authorized to furnish to the attorney general of the commonwealth, for use in his office, in the capitol buildings at Harrisburg, one copy of any law book, where duplicate copies thereof are in the library; the said attorney general to be responsible for the preservation and return, when required, of all books so obtained; and the librarian shall take a receipt, to be preserved by him, for all books furnished under this resolution.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of February, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 10.

RESOLUTION

For the Payment of Certain Moneys upon the Publication of the Legislative Record.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the state treasurer be and is hereby authorized and directed to pay to Richard J. Haldeman, twelve hundred dollars out of any moneys in the treasury not otherwise appropriated, to apply upon the contract for the publication of the Legislative Record.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The fifth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 11.

RESOLUTION

To pay certain moneys to the Executors of William B. Gillis, late a Transcribing Clerk in the House of Representatives.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania met, and it is hereby enacted by the authority of the same,* That the state treasurer is hereby authorized and directed to pay to the executor of William B. Gillis, deceased, late a transcribing clerk in the House of Representatives, the sum of one hundred and seventeen dollars; which amount, added to the sum appropriated at the session of one thousand eight hundred and fifty-seven, makes the full amount of per diem pay as clerk up to the time of the death of the said William B. Gillis.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The ninth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 12.

RESOLUTION

To pay Henry Menold for serving Writ of Election.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the state treasurer be and he hereby is authorized and required to pay to Henry Menold the sum of thirty dollars, in full, for serving writ of election to fill the vacancy in the representation from the county of Allegheny, in the House of Representatives.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The nineteenth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 13.

RESOLUTION

Relative to Samuel Hazard, Editor of the Colonial Records and Pennsylvania Archives.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the secretary of the commonwealth is hereby required to give notice to Samuel Hazard, that his salary as editor of the Colonial Records and Pennsylvania Archives, shall cease and determine on the first day of October, one thousand eight hundred and fifty-eight.

A. BROWER LONGAKER,
Speaker of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-fourth day of March, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 14.

RESOLUTIONS

Relative to a Revised Penal Code of Pennsylvania.

1. *Be it resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met,* That the governor of this commonwealth be and he is hereby authorized and required to appoint, by and with the advice and consent of the Senate, three competent citizens, learned in the laws of this commonwealth, as commissioners to revise, collate and digest all the acts and statutes relating to or touching the penal laws of the commonwealth. Commissioners,
appointment of
by Governor to
revise penal
code, &c.

2. *Resolved,* That it shall be the duty of the said commissioners carefully to collect, and reduce into one act, all acts and statutes, and parts of acts and statutes, relating to or touching the penal laws of the commonwealth, and arrange the same systematically, under proper titles, divisions and sections; to omit in such revision all acts, and parts of acts, that have been repealed or supplied by subsequent acts, or which have expired; to suggest to the legislature any contradictions, omissions, de- Duties of.

fects or imperfections that may appear in the acts and statutes to be revised, and the mode in which the same may be reconciled, supplied, improved or amended; to designate such acts or statutes, or parts of acts or statutes as ought to be repealed, and to prepare and submit to the legislature new acts or statutes, as such repeal may render advisable or necessary; and, generally, it shall be the duty of the said commissioners to execute the trust confided to them in such a manner as to render the penal code of Pennsylvania more efficient, clear and perfect, and the punishments inflicted on crimes and misdemeanors more uniform and better adapted to the suppression of crime and reformation of the offender: *Provided nevertheless*, That in the revision of the penal acts and statutes of the commonwealth, that in any proposed change in the phraseology thereof, the said change shall be clearly and distinctly set forth, together with the acts or statutes proposed to be altered or amended.

Provided.

Further duties.

3. *Resolved*, That it shall be the further duty of the said commissioners to report whether any, and if any, what changes in the modes and forms of proceeding in the administration of the penal laws of the commonwealth, or in the mode of selecting and summoning juries in criminal cases, would be advantageous or judicious.

Report, when to be made to the legislature.

4. *Resolved*, That it shall be the duty of the said commissioners to report the result of their labors to the legislature, on or before the first day of April, one thousand eight hundred and fifty-nine.

Compensation.

5. *Resolved*, That the said commissioners shall each receive at the rate of two thousand dollars per annum while engaged in the discharge of the duties hereby imposed.

May prepare and report certain bills to the legislature.

6. *Resolved*, That said commissioners may prepare, and report to the legislature, bills relating to corporations and their taxation, in such manner as to simplify and improve the existing laws on those subjects.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

JNO. CRESSWELL, JR.,

Speaker pro tem. of the Senate.

APPROVED—The nineteenth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 15.

RESOLUTION

Relative to the Claim of A. K. Fahnestock.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the state treasurer is hereby instructed to pay A. K. Fahnestock eight dollars and twenty-five cents, the amount due him for brick furnished for the Pennsylvania canal by direction of J. B. Houpt, supervisor.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twentieth day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 16.

A FURTHER RESOLUTION

Relative to a Revised Penal Code of Pennsylvania.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the governor shall have power to fill any vacancy in the number of commissioners appointed under the resolutions approved the nineteenth day of April, one thousand eight hundred and fifty-eight, relative to a revised penal code of Pennsylvania, which may be occasioned by death, resignation or otherwise, during the recess between the sessions of the legislature.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 17.

RESOLUTION

Extending the Time of Payment of the Amounts due from Sureties of
Jacob M. Strickler.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the time fixed for the payment of the annual instalments mentioned in the supplement to the act relative to the defalcation of Jacob M. Strickler, late collector of tolls at Columbia, passed the seventeenth day of April, A. D. one thousand eight hundred and fifty-seven, be and the same are hereby extended for a period of one year from the time therein specified.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 18.

RESOLUTION

In favor of Jacob Rodermill.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the state treasurer is hereby authorized to pay to the order of Jacob Rodermill, in favor of John Staver, the sum of one hundred and fifty-three dollars, being the amount due the said Jacob Rodermill on the books of the auditor general, a balance due on lumber delivered on the Susquehanna division of the Pennsylvania canal, as per bill dated the nineteenth of October, eighteen hundred and fifty-three, as per certificate of auditor general.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 19.

RESOLUTIONS

Relative to the Pay of certain Officers of the Legislature.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That Isaac Clugston, A. L. Horn, John Maguire, James Onslow, Henry Menold, and Levi M'Cormick, be allowed the extra pay of fifty dollars, allowed the other subordinate officers of the Senate and House.

Resolved, That A. J. Barr, transcribing clerk, appointed according to the seventeenth section of the act, approved May seventh, one thousand eight hundred and fifty-five, be allowed the same rate of mileage as other officers of the legislature.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of May, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 20.

RESOLUTION

Relative to the Accounts of F. Knox Morton, late Treasurer of the city and county of Philadelphia.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the resolution approved the twenty-ninth day of January, Anno Domini one thousand eight hundred and fifty-eight, entitled "Resolution relative to the accounts of F. Knox Morton, late treasurer of the city and county of Philadelphia," shall not be so construed as to take from the auditor general the authority which he may have to settle and adjust all such accounts under

LAWS OF PENNSYLVANIA,

the act of the thirtieth March, Anno Domini one thousand eight hundred and eleven.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 21.

RESOLUTION

Relating to the Public Works.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That from and after the passage of a law authorizing the sale of the public works to the Sunbury and Erie railroad, or to any other corporation, or to an individual or an association of individuals, no moneys shall be drawn from the treasury to be applied to the repairs of the state canals or any of them, nor shall any moneys be drawn from the treasury to be applied to the widening or deepening of any of said canals.

G. NELSON SMITH,
Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 22.

RESOLUTION

Relative to the Appointment of Officers of the Legislature.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That in addition to the officers of the Legislature, provided for in the

act of seventh May, Anno Domini one thousand eight hundred and fifty-five, it shall hereafter be lawful for the clerks of the Senate, with the assent of the speaker, to employ two pages at a rate of compensation not exceeding one dollar per day each; and for the clerk of the House, with the assent of the speaker thereof, to employ four pasters and folders, and four pages, at a compensation not exceeding one dollar per day each; and the House may also elect a postmaster for said House, whose compensation shall be the same as that of a transcribing clerk.

Officers of the legislature, certain additional to be appointed.

Compensation of.

Resolved, That Henry Menold be paid as an assistant door-keeper of the Senate for the present session, and James Onslow as an assistant sergeant-at-arms of the House; and that Adam L. Horn, Isaac Clugston and John Maguire shall also be paid as additional assistant door-keepers of the House for the present session: *Provided*, That the compensation to the said officers, in this resolution mentioned, shall be only the per diem, mileage and salary provided in the act of seventh May, one thousand eight hundred and fifty-five.

Pay of certain officers of the legislature.

Proviso.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

No. 23.

RESOLUTION

Relative to Paying Expenses of Committee appointed to investigate the Accounts of the late County Treasurer of Philadelphia.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the state treasurer is hereby authorized to pay to Jacob Glassmire, sergeant-at-arms, the sum of two hundred and five dollars and ninety-eight cents, the amount of expenses incurred by the special committee of the House of Representatives, appointed to investigate the accounts of the late county treasurer of Philadelphia, with regard to militia tax, the above being in full of all expenses, including committees, sergeant-at-arms and witnesses' bills.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

APPENDIX—1857.

No. 496.

A N A C T

To incorporate the Snow Shoe Improvement Company.

SECTION 1. Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That

Corporators. John Fullerton, Charles Beidleman, William Bowers, D. J. Pruner, Samuel Linn, C. R. Keeney, R. F. Raley, John D. Morris, their associates and assigns, be and they are hereby constituted

Style. a body politic and corporate, by the name, style and title of the Snow Shoe improvement company, and as such shall have power

Powers, &c. to take and hold land and real estate, not exceeding two thousand acres, in fee simple, in the township of Snow Shoe, Centre county, and to construct railroads, plank roads and timber shoots, prove and open the veins of coal and other minerals on or in their lands, and to prepare the same for being worked and leased, with power to work and lease the said lands or any portion thereof.

Capital stock. *SECTION 2. That the capital stock of the said company shall be one thousand shares, at fifty dollars each, with power to increase the same to twelve thousand shares; and the said company is hereby declared and made capable in law to sue and be*

Powers. *sued, implead and be impleaded; to have a common seal; to hold and convey such real and personal property as may be necessary to promote the objects of their incorporation, and to sell and dispose of the products of their lands; it shall also be lawful for the said company to construct such railroads as may be necessary to connect any of their lands in said Snow Shoe*

** township with the Susquehanna river.*

Directors, election of. *SECTION 3. That the affairs of the said company shall be managed and conducted by a board of directors, to consist of not less than five nor more than fifteen, who shall be elected by the stockholders on the first Tuesday in May of each and every year, and who shall elect one of their number as president; but if, for any cause, the election of directors as aforesaid does not take place, it shall be competent to elect the same at any other time, after two weeks' public notice shall have been given, with-*

out injury to this act of incorporation ; and in all elections of stockholders each share of stock shall entitle the holder to one vote.

SECTION 4. That this act shall continue in force for the period of twenty years from the time of its passage. Limitation.

SECTION 5. That the said corporation shall pay a bonus of one-half of one per centum on the capital stock of said company and upon any increase thereof, payable in four equal annual instalments, the first payment to be made in one year from the date hereof, and shall pay such tax upon dividends as is or may be provided by law. Bonus.

SECTION 6. That all the stockholders of said company shall be jointly and severally liable, in their individual capacities, for all contracts made by said company to the amount remaining unpaid on the shares of stock by them respectively held ; and the stockholders of said company shall also be jointly and severally liable, in their individual capacities, for debts due mechanics, workmen and laborers employed by said company, and for provisions and country produce furnished for said company, to be sued for and collected as is provided by the twelfth, thirteenth and fourteenth sections of an act to incorporate the Lackawanna iron and coal company, approved the fifth day of April, A. D. one thousand eight hundred and fifty-three. Individual liability.
Proviso.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The fourteenth day of March, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 497.

A N A C T

To incorporate the Duncannon Iron Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That William Logan Fisher, Charles W. Morgan, Charles W. Fisher, John Wister, third, William Lindley, Samuel M'Kenzie, Roswell Woodward and Joseph D. Simpson, and such other persons as shall be associated with them, and their successors, be and the same are hereby erected into a body corporate and politic, by the name, style and title of the Duncannon iron company,* Corporators
Style

with a capital stock of one hundred thousand dollars, with power to increase the same to five hundred thousand dollars, to be divided into shares of one hundred dollars each.

Officers and their election.

SECTION 2. That the affairs of said company shall be managed by a board of five directors, one of whom shall be the president, who shall be chosen by the stockholders; the first election shall be held within six months after this act shall take effect, of which election public notice shall be given at least four weeks in one newspaper published in the county of Perry; and subsequent elections shall be held at such time and place annually, as the directors shall determine, of which the same notice shall be given; all elections shall be by ballot, and every share of stock subscribed and paid in, shall entitle the holder to one vote in person or by proxy: *Provided*, That in case of failure to hold an election under this act, the former directors shall continue in office until their successors be duly elected; and in case of the death or resignation of any director, the remaining directors shall elect a person to serve until the next annual election.

Proviso.

Powers.

SECTION 3. That this corporation shall have authority to hold and use a common seal, and the same to change, alter or amend at pleasure; and by the style and title aforesaid, shall be capable in law to sue and be sued before any court in this commonwealth, may do and make all needful rules, regulations and by-laws for the well ordering of the business affairs of the corporation, so that the same shall in nowise conflict with, or be contrary to the laws and constitution of the commonwealth, or of the United States.

May hold lands, &c.

SECTION 4. That the said corporation, by the name aforesaid, may hold, in Perry county, lands not exceeding two thousand acres at one time, with power to mortgage, sell, lease or otherwise dispose of the same, or any part thereof; and the capital of the company may be employed in making and manufacturing iron, nails, spikes, with casks suitable to put them in; also the running iron ore, coal, limestone, and transporting and vending the same; also for vending their own manufactured goods, and such supplies as may be needful, together for such other objects as may be necessary in the prosecution of said business.

Objects.

Transfer of stock.

SECTION 5. That the stock may be transferred agreeably to the by-laws which may be adopted by the corporation.

Dividends.

SECTION 6. That dividends may be declared and paid whenever the directors deem it advisable; but said dividends shall in no case exceed the amount of actual profits acquired by the corporation; and if the directors shall make a dividend of more than the actual net profits, the directors consenting thereto, shall be severally liable to the corporation, in their individual capacity, for the excess so divided and paid.

Letters patent.

SECTION 7. That this act shall not take effect until one thousand shares shall be subscribed and paid in, of which a statement, containing the names of the subscribers and the amount subscribed by each, shall be given to the governor, to be filed in the office of the secretary of the commonwealth, whereupon the governor shall issue letters patent to the corporators.

Payment of subscriptions.

SECTION 8. That subscriptions of stock may be paid in real and personal estate, appropriate to the business contemplated by this act, at a *bona fide* cash valuation, to be agreed upon by a

majority in interest, of the subscribers and stockholders; and in case they should desire it, the stockholders shall be at liberty to ask the assistance of the regularly appointed assessors in the township or townships where said property is situated, in order to a proper valuation of the real estate; which valuation shall not be below the last tri-ennial assessment for the purpose of taxation, and for which services the assessors shall be allowed an equitable and just compensation; and the said corporation may issue bonds and sell the same at their market value, notwithstanding it may be less than par: *Provided*, That no bond shall be issued for a less amount than one hundred dollars. Valuation.
Proviso.

SECTION 9. That this charter shall expire at the end of twenty years; and the legislature hereby reserves the right to amend, alter or repeal this charter, at any time, in such manner, however, as shall not do injustice to the corporators. Repeal.

SECTION 10. That all the stockholders of said company shall be jointly and severally liable in their individual capacities, for all contracts made by said company, to the amount remaining unpaid on the shares of stock by themselves respectively held, until the whole amount of the capital stock, as fixed and limited by said company, shall have been paid in; and the stockholders of said company shall also be jointly and severally liable in their individual capacities, for debts due mechanics, workmen and laborers, employed by said company, and for provisions and country produce furnished for said company, to be sued for and collected as is provided by the twelfth, thirteenth and fourteenth sections of an act to incorporate the Lackawanna coal and iron company, approved the fifth day of April, A. D. one thousand eight hundred and fifty-three. Liabilities.

SECTION 11. That the said corporation shall pay a bonus of one-half of one per centum on the capital stock of said company, and upon any increase thereof, payable in four equal annual instalments, the first payment to be made in one year from the date hereof, and shall pay such tax on dividends as is or may be provided by law. Bonus.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

.DAVID TAGGART,

Speaker of the Senate.

APPROVED—The eighteenth day of March, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 498.

A N A C T

To incorporate the Ligonier Bridge Company.

- Commissioners.** SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Robert Cunningham, George Covode and Robert M'Dowell, of Westmoreland county, and James Wakefield, William Reynolds and Elliott Robinson, of Indiana county, be and they are hereby appointed commissioners to open books, receive subscriptions, and organize a company, under the name, style and title of the
- Style.** Ligonier bridge company, for the purpose of erecting a bridge across the Conemaugh river, nearly opposite the town of Bolivar, in Westmoreland county, to a point on the farm of Elliott Robinson, in Wheatfield township, Indiana county.
- Capital stock.** SECTION 2. That the capital stock of said company shall be five thousand dollars, to be divided into shares of twenty dollars each, with power to increase the said capital stock and number of shares to an amount sufficient for the erection of said bridge.
- Subject to.** SECTION 3. That said company shall be organized under and subject to all the provisions and restrictions of the act regulating bridge companies, approved the twelfth day of April, Anno Domini one thousand eight hundred and fifty-five.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The thirty-first day of March, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 499.

A N A C T

To incorporate the Presbyterian Historical Society.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

David Elliott, William M. Engles, W. R. De Witt, Albert Barnes, Corporators.

George H. Stewart, J. B. Dales, J. T. Cooper, James Hoge, C. Hodge, Samuel Hazzard, Samuel Agnew, R. J. Breckenridge, William Chester, George Howe, William B. Sprague, H. A. Boardman, C. Van Rensselaer, J. C. Backus, John Leyburn, William S. Martien, Alfred Nevin, Thomas H. Skinner, John A. Brown, Samuel H. Cox, Peter Force, E. F. Hatfield, George Duffield, George Duffield, junior, H. B. Smith, Matthias W. Baldwin, Henry J. Williams, B. J. Wallace, J. N. M'Leod, John Forsyth, James Wood, Thomas Beveridge, James M. Wilson, T. W. J. Wylie, S. J. Wylie, Thomas Smyth, M. L. P. Thompson and J. F. Stearnes, and their associates and successors, shall forever be and they are hereby erected and created a body politic and corporate, in deed and in law, by the name, style and title Style. of the Presbyterian Historical society, and by that name, style and title shall have and enjoy perpetual succession, and be able and capable to purchase, receive, take, hold and dispose of real Powers. and personal estate, to sue and be sued, plead and be impleaded, to receive and make all deeds, transfers, conveyances and assurances, contracts and agreements whatever, to have and use a common and corporate seal, and the same to break, alter and Seal. renew at pleasure, and generally to do and perform any act, matter and thing necessary to promote the objects and design of this act of incorporation, with full power to enact and repeal all rules, regulations and by-laws which may be found expedient or desirable: *Provided always,* That such rules, regulations and Proviso. by-laws shall not be contrary to or inconsistent with the constitution of the United States or of this commonwealth.

SECTION 2. That the fundamental articles of the constitution of this society shall be as follows:

Article 1. This society shall be known by the name of the Name. Presbyterian Historical society.

Article 2. The objects of this society shall be to collect and Objects. preserve the materials and to promote the knowledge of the history of the Presbyterian church in the United States of America.

Article 3. Any branch of the Presbyterian church, whose admission shall be approved by the society at its annual meeting, shall become an integral part of the same. The branches now constituting the society are the Presbyterian church, whose Any branch of the Presbyterian church to be admitted. general assembly met in the First Presbyterian church in New York city in one thousand eight hundred and fifty-six; the Presbyterian church, whose general assembly met in the Presbyterian church on Madison square, in New York city in one thousand eight hundred and fifty-six; the Associate Reformed church, the Associate Presbyterian church, and the Reformed Presbyterian church.

Article 4. Any person may become a member of this society Qualification of members. by the payment of one dollar annually, and shall thereby be entitled to receive a copy of the annual report; the payment of ten dollars at one time, or in annual payments, shall constitute a life member.

Article 5. The officers of the society shall be a president, one Officers. vice president from each of the churches represented in the society, a corresponding and recording secretary, a treasurer and an executive committee; of which committee at least one mem-

ber shall be from each of the churches represented in the society; all the officers shall be elected at each annual meeting of the society.

Annual meeting. *Article 6.* The annual meeting of the society shall be held in the city of Philadelphia on the first Tuesday in May.

Executive committee. *Article 7.* That the executive committee shall be composed of not less than nine, nor more than twelve members, (of whom the corresponding secretary, and the treasurer, shall be members *ex-officio*,) to whom shall be committed the work of devising and executing measures to secure the objects of the society; they shall make an annual report of their proceedings at the anniversary meeting; shall cause an address or addresses to be delivered during the meeting of the general assembly, or synod of each church represented in this society; and shall have power to issue publications from time to time, and to provide means for defraying the necessary expenses of their operations; the executive committee shall meet quarterly on the first Tuesdays of February, May, August and November, and at other times if deemed necessary by any two members, on the call of the chairman; vacancies occurring in their body by death or otherwise, may be filled at any regular quarterly meeting.

Meetings. *Article 8.* The formation of a library containing publications and manuscripts, shall be regarded as a prominent measure to be accomplished by the society; the executive committee shall have charge of the library, and shall appoint a librarian; publications, manuscripts, and other historical relics may be placed on deposit in the library, to be returned to the persons depositing the same on their written application.

Library, &c. *Article 9.* This constitution may be amended by a vote of two-thirds of the members present at any annual meeting: *Provided*, That notice of such alteration be proposed at a preceding meeting of the society.

Constitution may be amended. *SECTION 3.* That the officers and members of the executive committee of this society, until others are regularly chosen under the provisions of this act, shall be those now in office, namely:—President, Thomas H. Skinner; vice presidents, R. J. Breckenridge, William B. Sprague, Edward F. Hatfield, Peter Force, John Forsyth, John N. M'Leod, Thomas Beveridge; secretary, J. B. Dales; treasurer, Samuel Agnew; executive committee, C. Van Rensselaer, J. C. Backus, Samuel Hazzard, George Duffield, junior, B. J. Wallace, H. J. Williams, G. H. Stuart, J. B. Dales and T. Cooper.

Officers and members of executive committee. *SECTION 4.* That the annual income of the real estate held at any time by the said society, shall not, at any time, exceed the sum of three thousand dollars.

Annual income.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 500.

A N A C T

To incorporate the Western Provident Society and Children's Home of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Franklin Bacon, William W. Keen, Samuel Field, William B. Goddard, Charles M. Schott, Gideon G. Westcott, J. J. Boswell, Constant M. Eakin, Thomas Allibone, James Allen, J. F. Knorr and Jacob G. Clarkson, Anthony J. Drexel and John L. Goddard, and their associates, be and they are hereby incorporated and made a body politic in law, by the name, style and title of the Western Provident Society and Children's Home of Philadelphia, and by that name, style and title shall have perpetual succession, with power to have a common seal, and the same to change at pleasure; to make contracts relative to the institution; to sue and be sued, to plead and to be impleaded; and by that name, style and title to be capable of purchasing, holding, taking and conveying any estate, real or personal, for the use of said corporation, and to make such by-laws, rules and regulations as the said corporation shall judge necessary or expedient for the due management of the concerns of said corporation: *Provided*, That the same shall not be repugnant to the constitution or laws of the United States or of this commonwealth: *And provided further*, That the annual income of said estate shall not exceed ten thousand dollars, nor be applied for any other purposes than those for which this association is formed.

SECTION 2. That any person who shall annually pay to the treasurer of the association, on or before the first day of October, the sum of one dollar or upwards, shall be a member thereof while such person so contributes, and every person who shall pay twenty-five dollars at one time shall be a member for life: *Provided*, That for the purposes of the first election under this act, all persons shall be members who shall have contributed during the year next preceding, the sum of one dollar or more to the funds of the Western Provident Society and Children's Home, now created in the Twenty-fourth ward of the said city.

SECTION 3. That the affairs and concerns of the said Western Provident Society and Children's Home of Philadelphia, shall be conducted by a board of managers, consisting of twenty-four ladies, and a board of trustees, consisting of sixteen gentlemen; and the members of the said corporation shall meet on the first Tuesday of October next, at such hour and place as shall be designated by a majority of the parties above named, and shall elect a board of managers, six of whom shall be elected to serve for one year, six to serve for two years, six for three years and six for four years, from said date, and also a board of sixteen trustees, four of whom shall be elected to serve for one year, four for two years, four for three years and four for four years; and the board of managers of said asso-

ciation shall annually thereafter, on the first Tuesday of May' elect six managers; and the board of trustees shall annually, on the same day, elect four trustees, to serve for four years; and shall also then and there fill all vacancies that may occur in their respective boards, from death, resignation, removal or otherwise; and if, for any reason, such election shall not take place at the time provided, the managers and trustees whose terms would otherwise expire, shall hold over until their successors shall be elected; and in such case, at least ten days' notice shall be given of the time and place of another election.

SECTION 4. That it shall and may be lawful for the said managers and trustees, in their discretion, to take under their guardianship all poor white children, who may be placed under their care and management, in either of the following modes:

Objects.

Firstly. White children under twelve years' of age, who shall be voluntarily surrendered by their father, or in case of his death or absence, by their mother or by their guardian, to the care of the said managers and trustees.

Who may commit children to the charge of the society.

Secondly. White children under the age of twelve years, who may be committed to the care of the said managers and trustees, by any judge of the supreme court of Pennsylvania, or of the district court of the city and county of Philadelphia, or of the court of common pleas or quarter sessions, or by the mayor of said city, on account of vagrancy, or the exposure, neglect or abandonment of said children, by their parents or parent, guardian or other persons having custody of said children; and it shall be the duty of the judge or mayor so committing any child to the care of said managers or trustees, to annex to the commitment an abstract of the evidence taken by him, and on which his adjudication was founded; which said evidence shall be under oath or affirmation and taken in the presence of said child.

Guardianship.

SECTION 5. That the said managers and trustees shall have the guardianship of the said children so placed under their care and management during their minority; shall cause them to be educated and instructed in a proper manner, and may, when in their discretion it shall appear proper, bind the said children, with their consent, as apprentices, during their minority, to such persons and at such places and to learn such trades and employment as in the judgment of said managers and trustees shall be most conducive to the benefit and advantage of said children: *Provided*, That the charge and power of the managers and trustees over and upon the said children, shall not in the case of females extend beyond the age of eighteen years; and the said managers and trustees may in their discretion return the said children to their parents or surviving parent or guardian.

Proviso.

Additional rights

SECTION 6. That the said association shall have the right, in addition to the foregoing objects, to extend relief to poor of said city, by furnishing food, clothing and other assistance, as the said managers and trustees shall from time to time provide.

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

DAVID TAGGART,

Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-seven. JAS. POLLOCK.

No. 501.

A N A C T

To incorporate the Saucona Iron Company, in the county of Northampton.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Matthew Krause, George Steinman, Philip H. Goepp, Charles Aug. Luckenbach, Adam Giering and Augustus Wolle, of Northampton county, and Herman L. Fetter, David Thomas and Robert Yost, of Lehigh county, and such other persons as shall associate with them, and their successors, be and they are hereby erected into a body politic and corporate, for the purpose of manufacturing iron from the crude state into any shape, at or near Bethlehem, in the county of Northampton, under the name and style of the Saucona iron company, with a capital stock of three hundred thousand dollars, with power to increase the same to five hundred thousand dollars, to be divided into shares of fifty dollars each.

Corporators.
Style.
Capital.

SECTION 2. That the affairs of said company shall be managed by seven directors, one of whom shall be president, and a majority have power to act; which said directors shall be chosen from the stockholders; the first election to be held within thirty days after this act shall take effect; of which election public notice shall be given at least two weeks previously thereto, in two or more papers in the counties of Northampton and Lehigh, and the subsequent elections shall be held annually at such convenient time and place as the directors shall determine, of which previous notice shall in like manner be given: *Provided*, That in case of failure to hold an election under this act, the former directors shall continue in office until their successors be duly elected, which must be within six months from the time of such failure.

Officers and their election.
Proviso.

SECTION 3. That all elections for directors shall be by ballot, and each stockholder shall be entitled to vote according to the number of shares held, in the following ratio, to wit:—For each share not exceeding two shares, one vote; for every two shares above two, and not exceeding fifty shares, one vote; for every four shares above fifty, and not exceeding one hundred shares, one vote; and for every six shares above one hundred, one vote; no share shall confer the right of voting while any instalment thereon is due and unpaid, nor which shall have been transferred within three months of the day of election, nor unless *bona fide* held by the person in whose name it appears, in his own right, or in that of his wife, or as executor, administrator, trustee or guardian; and all votes by proxy shall be on the terms and conditions prescribed by the several acts of assembly regulating proxies.

Votes.

SECTION 4. That this corporation shall have authority to hold and use a common seal, with such device and inscription as they shall deem proper, and the same to break, alter and renew at

Powers.

- pleasure; and by the name of the Saucona iron company, shall be capable in law to sue and be sued, plead and be impleaded in any court, before any judge or justice, in all manner of suits, and all and every matter to do in as full effect as any other person or persons bodies corporate within the commonwealth; and is authorized and empowered to make by-laws and rules, and do everything needful for the good government of the affairs of the said corporation: *Provided*, That the said by-laws and rules be not repugnant to the constitution and laws of the United States or of this state.
- Proviso.**
- Liabilities.** SECTION 5. That the said corporation shall not at any time contract debts exceeding three times the amount of the capital stock paid in, and the stockholders shall be individually liable for the amount of the capital stock by them respectively subscribed and not paid in, and shall forfeit the stock to the company, if an instalment called for be not paid within sixty days after notice that it is due, shall have been served on them.
- Hold land, &c.** SECTION 6. That the company shall be able and capable in law to take, receive and hold in fee simple, or to lease lands and tenements, and may sell, lease, mortgage, or dispose of their interest in the same, as they may deem expedient: *Provided*, That the said lands shall not exceed in quantity two thousand acres at any one time, the same to be located in Northampton and Lehigh counties.
- Objects.** SECTION 7. That the said company shall use and employ their moneys and property in making and manufacturing iron from the crude state into any shape, and transporting and vending the same, and in acquiring and using such necessary materials and conveniences as they may find advantageous; but they shall not exercise any banking privileges, nor do anything which may not be necessary and proper to the business.
- Annual report to secretary of the commonwealth.** SECTION 8. That the said company shall annually, on or soon after the first day of January in each and every year, make a return, attested by the oaths of the president or secretary, of the amount of stock paid in, the number of acres of land owned by the company, the number of furnaces and works used by them, and the quantity of iron made by them within the current year; which returns shall be sent to the secretary of this commonwealth, who shall report the same to the legislature.
- Dividends.** SECTION 9. That dividends of so much of the profits as the directors may think advisable, shall be declared soon after the settlement of the books, on the first day of January and July every year, and be paid to the stockholders or their legal representatives, at any time, on demand, after the expiration of twenty days from such declaration; but the dividends shall in no case exceed the amount of net profits actually acquired by the company, as exhibited by the books and accounts; and if the directors shall make a dividend of more than the net profits, as shown by the books of the company, the directors consenting thereto shall be liable to the company in their individual capacity, for the excess so divided and paid.
- Transfer of stock.** SECTION 10. That the stock of said corporation shall be transferable, agreeably to the by-laws adopted by the company; but no stock shall be transferred, on which an instalment may be due and unpaid, unless with the consent of the directors.

SECTION 11. That any land or property, or materials for making iron, which may be received in payment for subscriptions to stock, shall be taken at a valuation approved by the board of directors, or by a majority of the stockholders; and this act shall not go into effect until seventy-five thousand dollars shall have been subscribed, and at least one-third of that amount be paid in, of which notice, verified by oath or affirmation, by the president of the company, shall be given to the governor. Payment of subscriptions.

SECTION 12. That the said company shall be required to pay to the state treasurer, for the use of the commonwealth, a tax of one-half of one per centum upon the capital stock, or any increase thereof, to be paid in four equal annual payments; the first to be paid six months after this act shall go into force, and the remaining instalments at intervals of twelve months each, and shall pay such tax upon dividends as is now, or may hereafter be required by law. Tax to state.

SECTION 13. That the stockholders of the said company be and they are hereby declared to be individually liable for all debts and contracts of the said company, for work and labor done and performed for it, and for all materials, produce and provisions furnished for said company, to be sued for, recovered and collected as is provided in the twelfth, thirteenth and fourteenth sections of the act to incorporate the Lackawanna iron and coal company, passed the fifth day of April, Anno Domini one thousand eight hundred and fifty-three: *And provided further,* That no stockholder shall be held individually liable for any such debt as aforesaid, unless the same shall have been sued for within six months after the time it was due. Individual liability.

SECTION 14. That this charter shall continue in force for the term of twenty years from the date of its approval, and no longer, unless extended by an act of the legislature; and the legislature reserves the right to amend, alter or repeal it any time, in such manner, however, as shall not do injustice to the company, nor to any individual thereof. Limitation.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 502.

A N A C T

To incorporate the Columbia Manufacturing Company, in the county of Lancaster.

Corporators.

Style.

Proviso.

Capital stock.

Subject to.

Organization.

Officers.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George Bogle, Joseph W. Fisher, J. F. Hackenberg, Henry Brandt, Amos S. Greene, Harford Fraley, Wm. S. M'Corkle, F. S. Bletz, Daniel J. Bruner, Hiram Wilson, John Cooper and Michael Liphart, and all other persons who may hereafter associate with them, their successors and assigns, shall be and they are hereby made, constituted and appointed a body politic and corporate, by the name, style and title of the Columbia manufacturing company, to be located at or near the borough of Columbia, in Lancaster county, and as such shall have and enjoy all the powers, and privileges, and immunities of a corporation in law and in fact; they shall have perpetual succession, may sue and be sued, plead and be impleaded, have and use a corporate seal; they may purchase and hold such real and personal estate as may be necessary to carry on the business of the said corporation: *Provided,* That the same shall not exceed one hundred acres.

SECTION 2. That the capital stock of said company shall be fifty thousand dollars, with the privilege of increasing the same to any sum not exceeding one hundred and fifty thousand dollars, by a vote of a majority of the stockholders in the manner prescribed by an act, entitled "An Act to encourage manufacturing operations in this commonwealth," approved the seventh day of April, Anno Domini one thousand eight hundred and forty-nine, and shall be divided into shares of fifty dollars each, payable in such instalments as may be provided for in the by-laws of the said corporation.

SECTION 3. That whenever subscriptions to the amount of fifteen thousand dollars to the capital stock of said company shall have been obtained, it shall be lawful for the said commissioners, or any five of them, to call a meeting of the subscribers, giving at least two weeks' notice thereof by not less than two insertions in a newspaper of the county, of the time and place of meeting to organize the said company; they shall at the said meeting elect one of their number president, and six of their number managers; after their election the said president and managers, at such time as they may deem proper, shall elect a secretary and treasurer, which officers shall serve until the second Monday in January following, and until their successors shall be elected and duly qualified as hereinafter provided, and that the second Monday in January, of each and every year, shall be fixed upon as the time for the election of the aforesaid president and managers, at such hour and place, and in such manner as shall be provided for in the by-laws.

SECTION 4. That at all elections for managers and other officers, and public meetings of the stockholders of the said corporation, at which questions are decided by the votes of the stockholders, each stockholder shall be entitled to vote according to the number of shares respectively held by such stockholders, that is to say: for every share not exceeding five, the holder thereof shall be entitled to one vote; for every five shares above five and not exceeding twenty, one vote; and for every ten shares above twenty, one vote: *Provided*, That no share or shares, except as such as may be held by females, shall be voted by proxy. Votes.
Proviso.

SECTION 5. That the several officers shall, before entering upon their respective duties, take and subscribe an oath or affirmation, to be entered at large on the minutes of the said company, for the support of the constitution of the United States and of this commonwealth, and to discharge the duties of their respective offices with fidelity; and the treasurer shall be required to give a bond, with at least two good and sufficient securities, for the faithful discharge of his duties and for the safe-keeping of the fund of the said corporation: *Provided*, That nothing herein contained shall be so construed as to prevent the office of secretary and treasurer being held by the same person. Officers, how
qualified.
Proviso.

SECTION 6. That as soon as the company shall have been organized, as provided for in the foregoing sections of this act, the treasurer, or such other person or persons as may be designated by the board of managers, shall open books for subscriptions to the capital stock of the said corporation, and as soon as the sum of fifteen thousand dollars has been subscribed, and five dollars on each share of the said subscriptions actually paid in cash, that the president and secretary and treasurer shall certify the same to the governor, under oath or affirmation, which certificate shall be entered in the office of the secretary of the commonwealth, whereupon the governor shall issue letters patent to the said company, investing it with all the rights, privileges and immunities of a corporation. Subscriptions to
stock.
Letters patent.

SECTION 7. That the business of the said corporation shall be the manufacturing of cars, agricultural and mechanical implements, castings, and machinery in general; and shall not at any time engage in any banking operations, nor shall any of the funds of the said corporation be used in the purchase of any stock in any public or private enterprise, nor shall the company make any loans to any stockholder or officer of the said company, or to any one, on security of its own stock. Business.

SECTION 8. That the stock of the said company shall be deemed personal estate, and shall be transferable, (in a suitable book to be kept for that purpose by the company,) either in person or by attorney duly authorized to do so, in the presence of the president or treasurer; but no share or shares shall be transferable until all arrearages or penalties thereon shall have been fully paid in, or the said share or shares shall have been declared forfeited in the manner hereinafter provided. Transfer.

SECTION 9. That the capital stock of the said company shall be called in and paid as hereinbefore provided, by giving at least two weeks' public notice, by at least two insertions in a newspaper of the county, immediately preceding the time at which such payment will be demanded, and if any stockholder Capital stock,
how called in and
paid.

- shall neglect or refuse to pay such proportion or instalment, or any part thereof, at the time or times appointed, he, she or they shall be liable to pay, in addition to the amount so called for and unpaid, at the rate of one per centum per month for the delay of such payment, and if the same and the additional penalty shall remain unpaid for the period of two months, he or she or they shall, at the discretion of the managers, forfeit to the use of the company all right, title and interest in and to every and all share or shares on account of which such default in payment may have been made; or the managers may, at their option, cause suit to be brought for the recovery of the amount due, together with the penalty as aforesaid; in the event of a forfeiture as aforesaid, the share or shares so forfeited may be disposed of, at the discretion of the managers, in such manner as may be prescribed by the by-laws; no stockholder shall be entitled to vote at any election or at any general meeting of the stockholders, on whose share or shares any instalment or arrearages may be due and unpaid for the period of thirty days.
- Penalty.**
- Forfeiture.**
- Votes.**
- Quorum.** SECTION 10. That a majority of the managers, duly elected, shall constitute a quorum for the transaction of business; minutes of the proceedings of all meetings of the stockholders and managers shall be kept by the secretary, in a suitable book to be provided for that purpose; the managers shall have power to make by-laws for the regulation of the affairs of the company, subject to the revision and approval of the stockholders and not inconsistent with the laws of this commonwealth, and providing for the appointment and prescribing the duties of all officers, agents, factors, artificers, and such other persons as may be employed by the company, and for carrying on all kinds of business within the objects and purposes of the company.
- By-laws.**
- Statement.** SECTION 11. That the president and managers of the said company shall cause to be published in a newspaper of the county, at least two weeks previous to the annual meeting and election, a statement of the affairs of the company, showing the amount and nature of its indebtedness, the amount of money received and paid out, exhibiting a full account of its liabilities and assets appropriately arranged, which statement shall be verified by oath or affirmation of the treasurer.
- Dividends.** SECTION 12. That dividends of so much of the profits of the said company as shall be deemed advisable to the manager, shall be declared on the first Mondays of the months of January and July, annually, and paid to the stockholders, or their legal representatives, at any time after ten days from the time of declaring the same; but the said dividends shall in no case exceed the amount of the net profits actually acquired by the company, so that the capital stock shall never be impaired thereby; and if any dividend shall be declared and paid which shall impair the capital stock of the said company, the managers consenting thereto shall be jointly and severally liable, in their individual capacities, for all the debts of the company then existing and that may thereafter be contracted during their continuance in office.
- Bonus.** SECTION 13. That the said corporation shall pay a bonus of one-half of one per centum on the capital stock of said company, and upon any increase thereof payable in four equal annual in-

stalments: the first payment to be made in one year from the date hereof, and shall pay such tax upon dividends as is or may be provided by law.

SECTION 14. That special meetings of the stockholders may be called at any time, by any number of the stockholders, representing not less than one hundred shares of stock; and whenever such application shall be made, the president or secretary shall give at least two weeks' notice by advertising in the nearest newspaper, or by written or printed notices sent to each of the stockholders. Special meetings

SECTION 15. That the total amount of the liabilities of the said company shall at no time exceed three times the amount of its capital actually paid in; and if any debts or liabilities shall be contracted, exceeding such amount, the directors and officers contracting the same, or assenting thereto, shall be jointly and severally liable, in their individual capacities, for the whole amount of such excess. Liability.

SECTION 16. That it shall be the duty of the managers to keep, or cause to be kept, a book containing the name and place of residence of each stockholder, showing the number of shares held by each, alphabetically arranged, also showing the amount paid on each share of stock, which book shall be open to the inspection of the stockholders during the regular business hours of each day. Duty of managers.

SECTION 17. That the stockholders of the said company shall be jointly and severally liable, in their individual capacities, for all debts and contracts made by said company, to the amount remaining unpaid, in the stock respectively held by them, and shall also be liable for all debts due to mechanics, workmen and laborers employed by said company, to be sued for and collected as is provided by the twelfth, thirteenth and fourteenth sections of an act to incorporate the Lackawanna iron and coal company, approved the fifth day of April, Anno Domini one thousand eight hundred and fifty-three: *Provided*, That no stockholder shall be individually liable, in person or estate, for any loan or loans made to the said company. Individual liability.

SECTION 18. That the legislature reserves the right to annul, alter or repeal this act, in such manner, however, as shall do no injustice to the stockholders; but such amendments, alterations or repeal, shall not take away or impair any remedy given against any person or persons indebted to said company during its existence; that this act shall continue in force for twenty years and no longer. Repeal. Limitation

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The eighth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 503.

A N A C T

To incorporate the Caledonia Cold Springs Association.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Daniel O. Gehr, John C. Richards, William M'Lellan, J. Wyeth Douglas, A. H. Senseny, J. Allison Eyster and David E. Stover, or any three or more of them be and are hereby appointed commissioners to do and perform the following duties; that is to say, they shall at such time or times, place or places, and upon such notice as they may deem expedient, open books for the purpose of receiving subscriptions to the capital stock of the association incorporated by this act, and they may adjourn from time to time, and to such place as they may deem proper, until the whole amount of stock authorized by this act shall be subscribed; and if the whole amount of said stock shall not have been taken before the organization of said association, it shall be lawful for the president and directors, for the time being, to receive such subscriptions of stock until the amount thereof shall be taken.

Commissioners.

Duties.

Capital stock.

SECTION 2. That the capital stock of said association shall be eighty thousand dollars, in shares of fifty dollars each; certificates whereof shall be issued to the subscribers for the number of shares by them respectively subscribed, signed by the president, countersigned by the secretary, and sealed with the common seal of said corporation; which stock shall be transferable in person or by attorney, executors, administrators, guardians or trustees, under such regulations and restrictions as may be provided for by the by-laws.

When letters patent to issue.

SECTION 3. That when twenty per centum of said capital stock shall have been subscribed, and five dollars on each and every share thereof shall have been paid, the commissioners aforesaid, or such of them as shall have acted, shall certify to the governor, under their hands and seals, the names of the subscribers, the number of shares subscribed by each, and that five dollars on each share have been paid, whereupon the governor shall, by letters patent under his hand and the seal of the commonwealth, create and constitute the said subscribers, and those that may hereafter be associated with them, their successors and assigns, into a body politic and corporate, in deed and in law, by the name, style and title of the Caledonia Cold Springs association, and by that name to have perpetual succession, with all the privileges, franchises and immunities incident to a corporation; and may sue and be sued, implead and be impleaded, complain and defend in all courts of law and equity, of record or otherwise; may make, have and use a common seal, and the same may alter and amend at pleasure; may ordain such by-laws,

Style.

Powers and objects.

ordinances and regulations as may be necessary and convenient for the proper government of said corporation, the same not being contrary to the constitution of the United States and this commonwealth, and generally may do all and singular the matters and things necessary for the well-being and due management of said corporation; and also as such, shall have the power to purchase the watering place known as the Caledonia Cold Springs, in the county of Adams, and the lands and appurtenances thereto belonging, and make such improvements to and upon the same, as to said corporation may seem expedient and proper.

SECTION 4. That as soon as conveniently may be after the said letters patent shall be obtained, the said commissioners who may have assumed the duties mentioned in this act, or any three of them, shall appoint a time and place for the subscribers to meet for the purpose of organizing the association, giving at least three weeks' notice thereof in at least one newspaper published in the borough of Chambersburg, and the subscribers, when met at the time and place so appointed, shall elect, by a majority of the votes given in person or by proxy, a president and five directors, who shall manage the affairs and business of the association until the first Monday of July then next ensuing, and until others be chosen: *Provided*, That no person shall be eligible to the office of president or directors who does not own at least four shares of stock: *And provided further*, That in case of the death or resignation of the president or any director, the remaining directors may supply the vacancy until the next annual election.

SECTION 5. That the president and directors of said association for the time being, are hereby authorized and empowered to exercise all the powers granted to the corporation; they shall meet at times and places as they may deem most convenient for the transaction of their business, and when met four shall be a quorum; the president, if present, shall preside at all meetings, and have the right to vote only in case of a tie; in the absence of the president, the board shall appoint a president pro tem.; they shall keep a minute of their proceedings in a suitable book to be provided for that purpose, shall choose a secretary and treasurer, and may appoint and employ all such officers, agents, superintendents, artizans, workmen or other persons, as in their opinion may be necessary and proper in the management of the affairs and business of said association, at such times, in such manner, and under such regulations as they may determine; they shall fix the salaries and wages of such officers and persons employed by them, and may require bond, with security, in such sums as they may deem proper, of each and any of said officers or other persons by them appointed or employed, for the faithful discharge of their duties; they are also authorized to design, determine and contract for any improvements they may deem necessary for the accommodation of visitors or the adornment of the grounds, and to lease the property belonging to the corporation to such lessee or lessees, for such term or terms and at such annual or other rents, as may be determined by the board, and generally may do all such acts, matters and things

as by this act and the by-laws of the association they may be authorized to do.

Dividends.

SECTION 6. That dividends of so much of the profits of the company as shall appear advisable to the directors, shall be declared and paid to the stockholders or their representatives, at such times and places as may be provided by the by-laws.

Elections, how conducted.

SECTION 7. That the election for directors shall be conducted as follows, to wit: At the first election, the commissioners who have acted, or any three of them, shall appoint three stockholders, not being candidates, to be judges of the said election and to hold the same; and at every succeeding election, the directors for the time being shall appoint three stockholders, who shall not be candidates, for the like purpose, and the persons so appointed by the commissioners or directors shall respectively take and subscribe an oath or affirmation, before any officer competent to administer an oath, well and truly and according to law to conduct such election, to the best of their knowledge and ability, and the said judges shall decide upon the qualifications of voters, and when the election is closed shall count the votes and declare who have been elected, and certify the same, at the first election, to the commissioners who appointed them, and at all subsequent elections to the directors; and if, at any time, it shall happen that an election of directors shall not be held at the time specified, the corporation shall not, for that reason, be dissolved, but it shall be lawful to hold such election on any day within three months thereafter, by giving at least ten days' previous notice of the time and place of holding such election, in at least one paper published in the borough of Chambersburg, and the directors of the preceding year shall, in that case, continue in office, with all the powers belonging to them as such, until others are elected; each share of stock shall entitle the holder thereof to vote, and each ballot shall have endorsed thereon the number of shares thereof; no proxy shall be received or entitle the holder to vote at any election or general meeting, unless the same shall bear date and have been duly executed within three months next preceding such election or general meeting.

Votes

Elections, when held.

SECTION 8. That the annual election of president and directors of said association shall be held at such place as may be fixed by the by-laws, on the first Monday of July in every year, of which notice shall be given by the secretary, at least two weeks previously, in at least one newspaper published in the borough of Chambersburg.

By-laws.

SECTION 9. That the stockholders of said association shall have power, at any general meeting for the election of president and directors or any meeting called for the purpose, to alter or amend the by-laws enacted by the board of directors: *Provided*, That notice of the proposed alterations and amendments shall have been given, by publication for six weeks previous to said meeting, in at least one paper in the borough of Chambersburg.

Proviso.

Reservation.

SECTION 10. That the legislature hereby reserves the right to alter, revoke or annul the privileges and charter hereby granted, whenever the same shall become injurious to the citizens of this

commonwealth, in such manner, however, that no injustice shall be done to the corporators.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The eighteenth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 504.

AN ACT

To incorporate the East Pennsylvania Eldership of the Church of God.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Abraham Swartz, Joseph Ross, James Colder, Abraham H. Long; Corporators. John Winebrenner, Edward H. Thomas, John C. Owens, and their successors in office, elected by the said Eldership, at its regular annual sessions, to fill the offices of speaker, treasurer and clerks, the board of missions, and the standing committee, shall be and they are hereby made and constituted a body politic and corporate, in law and in fact, to have perpetual succession, by and under the name, style and title of the board of trustees Style. of the East Pennsylvania Eldership of the Church of God, and by the name, style and title aforesaid, shall be capable in law to sue and be sued, plead and be impleaded, in any court or before any judge or justice of the peace, in all and all manner of suits, complaints, pleas and demands of whatsoever name or nature, and all and every matter and thing to do in as full and effectual a manner as any other person or persons, body politic or corporate, within this commonwealth may or can do.

SECTION 2. That the said corporation and their successors By-laws. shall be and are hereby authorized and empowered to make, ordain and establish such by-laws and ordinances as shall be necessary and proper for the regulation of the temporal and financial concerns of the said Eldership and for the promotion of religion: *Provided*, That nothing shall be done in pursuance Proviso. of the powers and the privileges herein granted, repugnant to this act, to the constitution and laws of this commonwealth, or to the usages, principles and doctrines of the Church of God.

SECTION 3. That the business of the said corporation shall be Business. managed and conducted by the said corporation, at the times and during the annual sessions of the said Eldership, or at any

extra session thereof, or at any special meeting of the board of trustees, when called together by the president and any two members of the board; one-third of the members of board present at any one meeting, shall constitute a quorum.

Seal.

SECTION 4. That the said corporation and their successors shall have full power and authority to make, have, and to use one common seal, with such devices and inscription as they shall think proper, and to break, renew and alter the same.

Privileges.

SECTION 5. That the said corporation or their successors, by the name, style and title aforesaid, shall be able and capable, in law and equity, to take and to hold, to themselves and their successors, for the uses and objects set forth as aforesaid, lands, tenements, goods and chattels of whatsoever kind, nature and quality, real, personal or mixed, which now is or shall hereafter become the property of the said Eldership, by gift, grant, bargain, sale, conveyance, devise, bequest or otherwise, from any person or persons, whatsoever, capable of making the same, and the same to grant, bargain, sell, or otherwise dispose of, for the use of the said Eldership: *Provided*, That the yearly value or income of said estate shall not at any time exceed twenty thousand dollars, and shall not be appropriated to any other than the financial and religious purposes of the said Eldership as before named, or for any similar objects of the General Eldership of the Church of God.

Proviso.

Misnomer.

Proviso.

SECTION 6. That no misnomer of the said corporation shall defeat or annul any gift, grant, devise or bequest to or from the said corporation: *Provided*, That the intent of the party or parties shall sufficiently appear upon the face of the grant, will, or other writing, whereby an estate or interest is intended to pass to or from the said corporation.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twenty-first day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 505.

A FURTHER SUPPLEMENT

To the act incorporating the Delaware Coal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

the charter of the Delaware coal company shall be and the same is hereby extended and continued in force for the term of twenty years from the eighth day of April, Anno Domini one thousand eight hundred and fifty-eight: *Provided*, That the company shall not, in any manner, be engaged in mining coal, except so far as may be necessary in opening and proving veins of coal on the lands of said company, and placing them in a condition to be favorably leased. Charter extended.
Proviso.

SECTION 2. That it shall not be competent for the aforesaid company to encumber, by mortgaging the corporate estate held under this charter, or to prefer by confession of judgment, any debt, except for wages; nor shall it be a vender of coal, or a trader in any commodity. Not to encumber the corporate estate.

SECTION 3. That said corporation shall pay a bonus of one-half of one per centum on its capital stock, or any increase thereof, payable in four equal semi-annual instalments, the first payment to be made in six months from the expiration of its present charter, and shall pay such tax upon dividends as is or may be provided by law; and in failure of said payments, the charter hereby granted shall be null and void. Bonus.
Tax.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twenty-second day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 506.

A N A C T

To incorporate the Farmers' Mutual Fire Insurance Company of Centre county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Jacob G. Moyer, Aaron Detwiler, John Hosterman, Samuel Strohecker, George Smelzer, Samuel Frank, William C. Duncan, Jacob Yeackle, Amos Alexander, George Buchanan, John Kerhel, Charles Smith, Joseph Neff, Peter Hoffer, William Love, Christian Dale, Philip Moyer, John Hasson, Samuel C. Hess, Henry Krebs and Jacob Nicholas, all of Centre county, are hereby appointed commissioners, who, or a majority of whom, are authorized and empowered, from and after the passage of this act, Corporators.

Style.

Subject to.

to establish an insurance company, to be called and known by the name and title of the Farmers' mutual fire insurance company of Centre county, to be located south of Nittany mountain, in said county, which said company, when application shall have been made to said commissioners for insurance to the amount of at least one hundred thousand dollars, shall be organized and managed according to the provisions of an act to provide for the incorporation of insurance companies, approved the second day of April, Anno Domini one thousand eight hundred and fifty-six, and shall be limited to the risks designated in the first class in the seventh section of said act, and shall have the right to transact its business upon the mutual principle exclusively.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twenty-fourth day of April, Anno Domini one thousand eight hundred fifty-seven.

JAS. POLLOCK.

No. 507.

A N A C T

To incorporate the Donegal Iron Company.

Corporators.

Style.

Capital.

Officers and their election.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John G. Hoerner, Stephen F. Eagle, Jacob E. Kreybill, James Duffey, J. A. Hiestand, John Stouffer, Jacob S. Hershey, John Miller, of Lancaster county, and such other persons as shall be associated with them, and their successors, be and the same are hereby erected into a body corporate and politic, by the name, style and title of the Donegal iron company, with a capital stock of one hundred thousand dollars, with power to increase the same to five hundred thousand dollars, to be divided into shares of twenty-five dollars each.

SECTION 2. That the affairs of said company shall be managed by a board of five directors, one of whom shall be the president, who shall be chosen by the stockholders; the first election shall be held within six months after this act shall take effect, of which election public notice shall be given, for two weeks, in a newspaper published in the city of Lancaster; and subsequent elections shall be held at such time and place, annually, as the

directors shall determine, of which the same notice shall be given; all elections shall be by ballot, and every share of stock subscribed and paid in, shall entitle the holder to vote in person or by proxy: *Provided*, That in case of failure to hold an election under this act, the former directors shall continue in office until their successors be duly elected; and in case of the death or resignation of any director, the remaining directors may elect a person to serve until the next annual election. Proviso.

SECTION 3. That this corporation shall have authority to hold and use a common seal, and the same to change, alter or amend at pleasure; and by the style and title aforesaid, shall be capable in law to sue and be sued before any court in this commonwealth, and may do and make all needful rules, regulations and by-laws for the well ordering of the business affairs of the corporation, so that the same shall in no wise conflict with, or be contrary to the laws and constitution of the commonwealth, or of the United States. Powers.

SECTION 4. That the said company may hold in fee simple, or by less estate, lands not exceeding two thousand acres at one time, in the counties of Lancaster and Schuylkill, with power to mortgage, sell, lease or otherwise dispose of the same, or any part thereof; and the capital of the company may be employed in mining iron ore, making and manufacturing iron, mining coal and limestone, and transporting and vending the same, and for such other objects as may be necessary in the prosecution of said business. May hold lands. &c.

SECTION 5. That the stock may be transferred agreeably to the by-laws which may be adopted by the corporation. Transfer.

SECTION 6. That dividends may be declared and paid, whenever it may be deemed expedient by the directors; but such dividends shall in no case exceed the amount of actual profits acquired by the corporation; and for any excess of dividends over actual profits, the directors assenting to the same, shall be held individually liable; and said company shall pay into the treasury of the state a bonus of one-half of one per centum upon the amount of the capital stock, and any increase of the same, payable in four equal annual instalments, the first whereof shall be due in one year after the organization of the company; and shall pay such tax on dividends as is or may be required by law. Dividends. Bonus.

SECTION 7. That the said corporation shall not at any time contract debts exceeding three times the amount of the capital stock paid in; and the stockholders shall be individually liable for the amount of capital stock subscribed and not paid in, and shall forfeit the stock to the company, if any instalment called for be not paid within sixty days after notice, that it is due, shall have been served on them; and shall be liable for all debts due to operatives or laborers, for services performed for said corporation, and also for produce furnished for use of said company, to be sued for and collected according to the provisions of the twelfth, thirteenth and fourteenth sections of the act to incorporate the Lackawanna iron and coal company, approved April fifth, Anno Domini one thousand eight hundred and fifty-three: *Provided*, That their charter shall exist for twenty years from the date of this act. Liabilities. Limitation.

When to take effect. SECTION 8. That this act shall not take effect until one thousand shares shall be subscribed, of which a statement, containing the names of the subscribers, and the amount subscribed by each, shall be given to the governor, to be filed in the office of the secretary of the commonwealth; whereupon the governor shall issue letters patent to the corporators; and that the legislature hereby reserves the right to amend, alter, or repeal this charter at any time, in such manner, however, as shall not do injustice to the corporators.

Repeal.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twenty-fourth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 508.

A N A C T

Incorporating the Bristol Fire Company in Bristol borough, Bucks county, Pennsylvania.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Corporators. Lucius H. Scott, Henry G. Stellwagon, Louis A. Hognet, A. L. Packer, William Kinsey, and others, who are or may hereafter be associated with them, shall be and they are hereby created and declared to be one body politic and corporate, by the name,

Style. style and title of the Bristol fire company, and by the same name shall have perpetual succession, and shall be able to sue and be sued, plead and be impleaded in any court of record or elsewhere, and to purchase, receive, have, hold and enjoy to them and their successors, lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, or choses in action, and the same from time to time to sell, grant, devise, alien or dispose of:

Privileges. *Provided, That the clear yearly value or income of the necessary houses, lands and tenements, rents, annuities, or other hereditaments and real estate of the said corporation, and the interest of the money by it lent, shall not exceed the sum of three thousand dollars; and also to make and have a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution such laws, ordinances and regulations as shall appear necessary and convenient for the government of said corporation, not being contrary to this char-*

Proviso.

ter, or to the constitution and laws of the United States, or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of this corporation and the due management and ordering of the affairs thereof.

SECTION 2. That if at any future time this company shall become inefficient or disbanded, all its property shall be converted over in trust to the corporation of Bristol borough, which in that event is hereby required to keep the same in good and serviceable condition until another efficient company shall be organized, when on said company presenting satisfactory evidence of their efficiency and ability to keep the property in good condition, it shall revert to their use for so long a time as they shall maintain their efficiency, after which it shall revert to the borough corporation, and so on in perpetuity.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twenty-fourth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 509.

A N A C T

To annul the Marriage Contract between David H. Bachtell and Catharine, his wife.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the marriage contract entered into between David H. Bachtell and Catharine Jacquet Bachtell, his wife, be and the same is hereby annulled and made void, and the parties released and discharged from said contract, and from all duties and obligations arising therefrom, as if they had never been joined in marriage.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twenty-fifth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 510.

A N A C T

To incorporate the Philadelphia and Darby Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Corporators. Thomas Sparks, John W. Passmore, Morris Powers, Charles Lloyd, Robert Buist, Morris S. Wickersham, Isaac Leech, junior, Wm. A. Edwards and Henry M. Philips, of the city of Philadelphia, James Andrews, Morgan Bunting, Albert Worrell, Pearson Serrill, Joseph B. Conover and George M'Henry, of Delaware county, and their associates, and those who may hereafter become associated with them, be and hereby are incorporated and constituted a body politic, under the name and

Style. title of the Philadelphia and Darby railroad company, with all the rights and privileges, and subject to all the conditions and

Subject to. restrictions conferred or imposed by an act to regulate railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine, and the supplements thereto.

Route. SECTION 2. That the said Philadelphia and Darby railroad company are hereby authorized to construct a railroad from a point at or near the eighth mile stone on the Philadelphia and Chester post road to such a point in the city of Philadelphia, west of the river Schuylkill, as they deem fit: *Provided*, That

Proviso. the said road, so far as it may be in the county of Philadelphia, shall be located south-east of the said Philadelphia and Chester post road, and shall be subject to the tenth section of a supplement to the act consolidating the city of Philadelphia, approved the twenty-first day of April, Anno Domini one thousand eight hundred and fifty-five.

Capital. SECTION 3. That the capital stock of said company shall consist of ten thousand shares of twenty dollars each.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twenty-eighth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 511.

A N A C T

To incorporate the M'Kean Coal and Iron Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That S. Sartwell, S. C. Hyde, J. C. Backus, S. B. Sartwell, G. B. Backus, Thomas Pethrick and William V. Keating, George Wiggins, junior, of Schuylkill county, and their associates and assigns, be and they are hereby constituted a body politic and corporate, by the name, style and title of the M'Kean coal and iron company, and as such shall have power to take and hold land, and other real estate, in fee simple and on lease, in the counties of M'Kean and Elk, and to open and prove the veins of coal, iron and other minerals on or in their lands, and to prepare the same for being worked and leased, and to work, and mine, and vend the coal, iron and other minerals taken therefrom, to lease the said lands, or any portion of them: *Provided*, That the amount of land owned by said company shall at no time exceed two thousand acres.

SECTION 2. That the capital stock of said company shall not exceed six thousand shares of fifty dollars each; and the said company is hereby declared and made capable in law to sue and be sued, implead and be impleaded, to have a common seal, and to hold and convey such real estate and personal property as may be necessary to promote the objects of said corporation, and to sell and dispose of the products of their lands, and from time to time to adopt such by-laws and regulations, for the management of the business of the said corporation, as the board of directors shall appoint; and it shall also be lawful for said company to construct such railroads, or branch railroads, as may be necessary to connect any of their lands with the Sunbury and Erie, or Allegheny Valley, or other railroads in the counties of M'Kean and Elk, subject to the provisions of the general railroad law, approved the nineteenth day of February, one thousand eight hundred and forty-nine.

SECTION 3. That the affairs of said company shall be managed and conducted by a board of directors, to consist of not less than seven nor more than thirteen persons, who shall be stockholders, and who shall be elected by the stockholders on the first Tuesday of September in each and every year, and who shall elect one of their number as president; but if from any cause the election of directors as aforesaid does not take place, it shall be competent to elect the same at any other time, after two weeks' public notice shall have been given, without injury to this act of incorporation; and in all elections by the stockholders, each share of stock shall entitle the holder to one vote.

SECTION 4. That this act shall continue in force for the period of twenty years from its passage.

Bonus.

SECTION 5. That the said company shall pay a bonus to the state of one-half of one per cent. upon its capital stock, payable in four equal annual instalments; the first payment to be made in one year from the date hereof, and shall pay such tax upon dividends as is or may be provided by law.

Tax on dividends

Borrow money.

SECTION 6. That the said company be and they are hereby authorized to borrow any sum of money not exceeding one hundred thousand dollars, to enable them to carry out the purposes of their organization, and to issue bonds for the payment of the same, on such terms and at such rates of interest as they may deem best for the interests of said company: *Provided*, That no bond shall be for a less sum than one hundred dollars.

Proviso.

Individual liability.

SECTION 7. That the stockholders of the said company be and they are hereby declared to be individually liable for all debts and contracts of the said company, for work and labor done and performed for it, and for all materials, produce and provisions furnished for said company, to be sued for, recovered and collected as is provided in the twelfth, thirteenth and fourteenth sections of the act to incorporate the Lackawanna iron and coal company, passed the fifth day of April, Anno Domini one thousand eight hundred and fifty-three: *And provided further*, That no stockholder shall be held individually liable for any such debt as aforesaid, unless the same shall have been sued for within six months after the time it was contracted.

Proviso

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

DAVID TAGGART,

Speaker of the Senate.

APPROVED—The twenty-eighth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 512.

A N A C T

Relative to the Buck Mountain Coal Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Buck Mountain coal company is hereby authorized and empowered to construct a branch railroad, with one or more tracks from their mines, by the best and most direct route, to connect with the Hazleton or Beaver Meadow railroad company, in Carbon county, and for that purpose may borrow, not exceeding one hundred thousand dollars, on such terms, and at such rate of

Powers.

interest as a majority in interest of the stockholders, at a meeting regularly called, may direct.

SECTION 2. That the said Buck Mountain coal company, in the construction and building of said railroad, shall be subjected to the restrictions and regulations provided for in the act regulating railroad companies, approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine, which is not inconsistent with this supplement. Subject to.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twenty-eighth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 513.

A N A C T

To extend the Charter of the Doylestown Bank of Bucks County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the charter of the Doylestown Bank of Bucks county, be and it is hereby extended for the period of fifteen years, from the expiration of the present charter, subject to all the restrictions and provisions, and with all the immunities and privileges contained in an act, entitled “An Act regulating banks,” approved the sixteenth day of April, one thousand eight hundred and fifty, and the several supplements thereto: *Provided,* That the said bank shall pay into the state treasury a bonus of one per centum upon their capital stock, within one year after the passage of this act.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twenty-ninth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 514.

A N A C T

To incorporate the Western Fire Engine Company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Who to be corporators.

all and every the persons who shall at the time of the passage of this act be members of the association called the Western fire engine company of Philadelphia, shall be and they are hereby created, and declared to be one body politic and corporate, by the name, style and title of the Western fire engine company of Philadelphia, and by the same name shall have perpetual succession, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere, and to purchase, receive, have, hold and enjoy, to them and their successors, such lands, tenements, rents, annuities, franchises and hereditaments, goods and chattels, of what nature, kind or quality soever, real, personal or mixed, that may be required by the said company for the purposes of their incorporation, and the same from time to time to sell, grant, devise or dispose of: *Provided, That the clear yearly value or income of the necessary houses, lands and tenements, rents and annuities, or other hereditaments and real estate of the said corporation, and the interest of the money lent, shall not exceed the sum of two thousand five hundred dollars; and also make and have a common seal, and the same to break, alter and renew at pleasure; and also to ordain, establish and put in execution such by-laws, ordinances and regulations as shall appear necessary and convenient for the government of the said corporation, not being contrary to this charter, or the constitution and laws of the United States, or of this commonwealth, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do for the well being of the said corporation and the due management and ordering of the affairs thereof.*

Style.

Privileges.

Proviso.

Seal.

By-laws.

Object

SECTION 2. That the object of the said corporation shall be the promotion of the general good by the extinguishment of fires.

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

DAVID TAGGART,

Speaker of the Senate.

APPROVED—The first day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 515.

AN ACT

To incorporate the Union Coal and Iron Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Albert Willis, William N. Nichols, A. H. Head, John J. Patterson, A. K. M'Clure, and their associates and assigns, be and they are hereby constituted a body politic and corporate, by the name and style of the Union coal and iron company, and as such shall have power to take and hold land and real estate, not exceeding three thousand acres, in fee simple, in the counties of Clearfield and Elk, and to mine, prepare for market, sell and dispose of the cannel and bituminous coal, iron ore, fire clay, and other minerals, on or in their lands, and to manufacture iron, lubricating and illuminating oil, or other products of their minerals or lands, and to convey the said minerals, or the products thereof, to market, with power to grant leases of the said lands or any portion thereof.

SECTION 2. That the capital stock of the said company shall consist of ten thousand shares of twenty dollars each, with the privilege of increasing the same to thirty thousand shares. The said company is hereby declared and made capable in law to sue and be sued, implead and be impleaded, to have a common seal, to hold and convey such real and personal property as may be necessary to promote the objects of their incorporation, and to sell and dispose of the products of their lands.

SECTION 3. That the affairs of the said company shall be managed and conducted by a board of directors, to consist of not less than seven, nor more than thirteen, who shall be elected by the stockholders, and who shall elect one of their number as president; but if for any cause the election of directors as aforesaid, does not take place, it shall be competent to elect the same at any other time, after two weeks' public notice shall have been given, without injury to this act of incorporation; and in all elections of stockholders each share of stock shall entitle the holder to one vote.

SECTION 4. That this act shall continue in force for the period of twenty years from the time of its passage; that the said company shall have full power to sell and convey, in their corporate capacity, or by trustee, in fee simple or otherwise, the whole or any part of their real estate; or it shall be lawful for them to lease to any person or persons, for one or more years, any real estate which they may hold, on such terms as may be agreed upon: *Provided*, That the said company, with the consent of a majority of the stockholders, may borrow on bonds any amount not exceeding two hundred thousand dollars, secured by mortgage of the whole or any part of the lands, railroads, mills, or other property belonging to the company, and

the corporate privileges thereto belonging, upon such interest as shall be agreed upon.

Bonus.

SECTION 5. That the said corporation shall pay a bonus of one-half of one per centum on the capital stock of said company, and upon any increase thereof, payable in four equal annual instalments, the first payment to be made in one year from the date hereof; and shall pay such tax upon dividends, as is or may be provided by law.

Tax.

Individual liability.

SECTION 6. That the stockholders of said company shall be jointly and severally liable in their individual capacities and estates, for all the debts and contracts made by such company, to the amount of stock held by them respectively and unpaid, and for all debts due to mechanics, workmen and laborers, employed by said company, to be sued for and collected as is provided for in the twelfth, thirteenth, fourteenth and fifteenth sections of the act incorporating the Lackawanna iron and coal company, approved the fifth day of April, Anno Domini one thousand eight hundred and fifty-three.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 516.

AN ACT

To incorporate the Lehigh and Delaware Water Gap Railroad Company.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* George W. Scranton, of Luzerne county, Sydenham Walton, James Durling and Samuel S. Dreher, of Monroe county, Henry M. Labar and Henry S. Mott, of Pike county, James Leibert, of Bethlehem, John L. Hoffman, of Allentown, John Williams, of Catasauqua, John Welsh, Henry Simons and George W. Hamersly, of Philadelphia, be and they are hereby appointed commissioners to receive subscriptions and organize a company, by the name, style and title of the Lehigh and Delaware Water Gap railroad company, with power to construct a railroad from a point on the North Pennsylvania railroad, at or near Bethlehem or Freemansburg, to the Delaware Water Gap, in Monroe

Style.

Route.

or Northampton counties, with power to connect the same with any other adjacent railroad in this commonwealth.

SECTION 2. That the capital stock of said company shall be Capital stock. five hundred thousand dollars, divided into shares of fifty dollars each, with privilege to increase the same, from time to time, to an amount sufficient to complete their road and provide the same with all the necessary cars, locomotives, machinery, depots, water stations, et cetera.

SECTION 3. That the directors of said company are hereby au- Interest. thorized to pay to the stockholders entitled to receive the same, interest, at the rate of six per centum per annum, on all instalments paid by them, until the work is completed and in operation, which interest shall be charged to the cost of the road, and the stock of said company shall not be subject to tax in consequence of said payment of interest.

SECTION 4. That the directors of the said company may bor- May borrow money, issue bonds, &c. row money to an amount not exceeding twelve hundred thousand dollars, and issue their bonds therefor, either with or without coupons, in sums not less than one hundred dollars each, and secure the payment of the principal and interest of said bonds by a mortgage or mortgages upon the road, property and franchises of the said company; and the said directors may make the said bonds convertible into stock at par, if such course shall be deemed advantageous to said company: *Provided*, Provide That the declaratory act passed the twenty-fifth day of February, one thousand eight hundred and fifty-six, respecting the interest on loan certificates issued by any railroad or canal company, together with the eleventh section of the act of July twenty-sixth, one thousand eight hundred and forty-two, referred to therein, shall extend to and be applied to the certificates issued under the present act.

SECTION 5. That said company shall be entitled to all the Subject to general law. privileges and subject to all the restrictions imposed by an act, entitled "An Act regulating railroad companies," approved the ninth day of February, one thousand eight hundred and forty-nine, except so far as otherwise provided in this act.

SECTION 6. That in all cases where the said company and the Damages. owners of land and materials cannot agree upon the amount of damages claimed, either for land or materials, the said company may tender a bond, with sufficient security, to the party claiming damages, the condition of which shall be, that the company will pay or cause to be paid such amount of damage as the party shall be entitled to receive, after the same shall have been agreed on by the parties or assessed according to law: *Provided*, Provide. That in case the party or parties claiming damages refuse to accept the bond or bonds tendered by the said company, the said company may, in such case, present their bond or bonds to the court of common pleas of the proper county or to any one of the judges thereof; and if the said court or any one of the judges thereof approve the security, they shall direct the said bond or bonds to be filed in the prothonotary's office of said court, for the benefit of those interested, whereupon the company may enter upon or take possession of such land and materials.

SECTION 7. That if the said company shall not commence Commencement their road within three years, or complete the same within six and completion.

years, from and after the passage of this act, then the same shall be null and void, except so far as the same shall be necessary to settle up the affairs and pay the debts of said company.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 517.

A SUPPLEMENT

To the act to incorporate the Lock Haven and Tyrone Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Lock Haven and Tyrone railroad company be and the same are hereby authorized to connect with the Pennsylvania railroad at Tyrone, in Blair county, and with the Sunbury and Erie railroad at Lock Haven, in Clinton county, and to extend their road from Tyrone to connect with the Allegheny Portage railroad at Hollidaysburg, and from thence to the southern line of the state of Pennsylvania, to connect with any railroad constructed, or to be constructed in the state of Maryland; and also to extend their road from Lock Haven, the eastern terminus of their road, to Williamsport, in Lycoming county, to connect with the Sunbury and Erie railroad at that point: Provided, That said extensions and connections shall be commenced within five years, and completed within ten years after the passage of this act.*

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The fourth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 518.

A N A C T

To incorporate the Pittston Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That George R. Love, Theodore Strong, James H. Jenkins, Davis Alton, R. J. Wisner, John Albott, Ziba Bennett, James Hancock, Samuel Benedict, Ralph D. Lacoe, Charles Steele, Charles R. Gorman, Abram Price, Thomas Benedict, Miles Jacobs, George Daman, Alva Tompkins, Peter Polen, Benjamin Bevan, Michael Reap and Benjamin D. Beyea, be and they are hereby appointed commissioners for the purpose of establishing a bank, to be located at the borough of Pittston, Luzerne county, to be called the "Pittston Bank," with a capital of two hundred thousand dollars, to be divided into four thousand shares of fifty dollars each; the said bank to be managed, organized and governed as provided by the act, entitled "An Act regulating banks," passed the sixteenth day of April, one thousand eight hundred and fifty, and the several supplements thereto, and be subject to all the provisions and restrictions, and enjoy all the privileges and immunities contained in the same; the legislature hereby reserving the power to alter, revoke or amend the charter hereby granted, whenever, in their opinion, it may be injurious to the citizens of the commonwealth, in such manner, however, that no injustice shall be done the corporators: *Provided*, That said bank shall pay into the treasury of the commonwealth one per centum on the amount of its capital within one year after its organization.

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

DAVID TAGGART,

Speaker of the Senate.

APPROVED—The fifth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 519.

A N A C T

To incorporate the Kittanning Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert Orr, Darwin Phelps, Alexander Reynolds, Alexander Colwell, Thomas M'Connell, Ephraim Buffington, William M'Williams, George T. Crawford, R. L. Brown, James Musgrove, E. S. Golden and A. J. Faulk, are hereby appointed and commissioned, and they, or a majority of them, are authorized to carry into effect, from and after the passage of this act, the establishment of a bank, to be called the Kittanning Bank, to be located in the borough of Kittanning, in the county of Armstrong, with a capital of one hundred thousand dollars, with the right to increase the same to three hundred thousand dollars, to be divided into shares of fifty dollars each, and to be organized, managed and governed as provided by the act regulating banks, approved April sixteenth, Anno Domini one thousand eight hundred and fifty, and the supplements thereto, and to be subject to all the restrictions and provisions, and with the immunities contained in the same; and the said bank shall within one year from and after the passage of this act, pay into the treasury of the commonwealth a bonus of one per cent. on the amount of its capital stock, and a similar bonus upon said increase thereof, within one year after said increase shall be determined upon by said bank.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The fifth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 520.

A N A C T

To incorporate the Bucks County Mutual Horse, Mule and Canal Boat Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Robert H. Housel, Brice M. Pensel, Lafayette Cramer, Henry Golden, William Shrivler, Peter Miller, Joseph Sampsell, Robert M'Farland, Henry Haney, Moses Bird, George Geddis, William Haney, and all other persons who may hereafter associate with them in the manner hereinafter prescribed, shall be a body politic and corporate, by the name of the Bucks County Mutual Horse, Mule and Canal Boat insurance company, and by that name shall have perpetual succession, and may sue and be sued, and hold, purchase and receive and convey real and personal estate, (with the limitations hereinafter specified,) and may use a common seal, and alter or change the same at pleasure, make by-laws, not inconsistent with any existing laws, for the management of its property, and the regulation of its affairs.

Corporators.

Style.

Powers.

SECTION 2. That in addition to the general powers and privileges of a corporation, as the same are declared by the foregoing section, the corporation hereby enacted shall have the full power, on behalf of said corporation, to make all and every insurance appertaining to, or connected with life risks of the members' horses or mules, or risks of their canal boats, of whatsoever kind or nature the same may be; and to make, execute and perfect such and so many contracts, bargains, agreements, policies and other instruments, as shall or may be required; and every such contract, agreement and policy, to be made by the said corporation, signed by the president, and attested by the secretary; and also shall be signed by the party insured; and the president and managers are hereby empowered to have made and provided a seal, with such device as they may deem proper, to be used by them as the common official seal of the company.

Further powers.

SECTION 3. That all persons who shall hereafter become insured in the said corporation, and also their heirs, executors and administrators continuing to be insured in said corporation, as hereinafter provided, shall thereby become members for and during the period they shall remain so insured, and no longer.

Members.

SECTION 4. That the corporate powers of said company shall be exercised by a board of thirteen directors, and such officers and agents as they may appoint; the persons named in the first section of this act, or a majority of them, shall constitute the board of directors of said company, until the first Saturday in January next, or until others are elected in their stead; and on the same day thereafter, the members of the company shall meet

Officers.

- Election. at such place in the township of Nockamixon, Tinicum or Plumstead, in the county of Bucks, as the corporation, in their by-laws, shall appoint, for the election of a new board of managers, who shall continue in office for one year, or until others are elected in their stead; public notice of time and place thereof having been given by advertisement, in at least two newspapers published in the county of Bucks, three weeks before the holding of the same.
- Votes. SECTION 5. That every election for managers shall be by ballot, to be decided by a majority of the votes cast, and shall be conducted under the inspection of three members of the corporation, not managers nor candidates for any office in said corporation, to be appointed by the managers for that purpose; each member shall have one vote.
- Appointment of officers. SECTION 6. That the board of managers, for the time being, shall choose a member of the board to act as president; they shall annually appoint a secretary, treasurer and agent, from time to time, or such other officers as shall be deemed necessary for the proper conducting of the affairs of the company; they shall fix the respective salaries and fees of the officers and agents by them appointed; shall have power to displace any such officers or agents, and to supply any vacancy which may happen by death, resignation or displacement of an incumbent, either in their own board, or in the officers or agents of the corporation; a majority of the board of managers shall constitute a quorum for the transaction of business.
- Vacancy.
- Deposit of promissory note. SECTION 7. That every person who shall become a member of said company, by effecting insurance therein, shall, before he receives his, her or their policy, deposit, for such insurance, his, her or their promissory note for such a sum of money as shall be determined by the managers, a part, not exceeding twenty per centum of said note, to be immediately paid, and annually an interest, as may be fixed upon by the board of managers of said company, not exceeding five per centum on the balance, and the remainder of said deposit note shall be payable in part, or whole, at any time when the directors shall deem the same requisite for the payment of losses by the death of any of the members' horses or mules, or the loss by accident of any of the members' boats, and such incidental expenses as shall be necessary for the transacting the business of said corporation; and at the expiration of the time of insurance, the said note, or such part of the same as shall remain unpaid, after deducting all losses and expenses during said time, shall be relinquished and given up to the maker thereof; no premium so paid, shall ever be withdrawn from said company.
- Suits. SECTION 8. That suits at law may be maintained by said corporation against any of its members, for any cause relating to the business of said corporation; also suits at law may be prosecuted and maintained by any member, against the said corporation, for losses by death of his, her or their horse or horses, mule or mules, canal boat or canal boats, if payment is withheld more than sixty days after the company is duly notified of such loss; and no member of the corporation shall be debarred his testimony as a witness in any case, on account of his being

a member of the said company; and no member of the said corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any such suit, on account of his being a member or officer of said company.

SECTION 9. That the real estate which it shall be lawful for the said corporation to purchase, receive, hold, and convey, shall be such as shall be requisite for its immediate accommodation in the convenient transaction of its business. Real estate.

SECTION 10. That no money shall be drawn from the funds of said company for the purpose of making dividends or profits, nor for other purposes, than first to defray the current or incidental charges of the corporation, and then for the purpose of paying such damages as any member of said company or insurer may be justly entitled to; and when the just demands of any insurer in said company, or member thereof, shall exceed the amount of its available funds on hand, such sum as shall be necessary to pay the same, shall, without unnecessary delay, be assessed by any three of the managers appointed by the president, on the insurances; each member to pay in proportion to the amount he has insured, and publish the same; and every of the members of the company shall pay into the hands of the treasurer, his, her, or their proportionable parts of such rates, within sixty days after such publication as aforesaid; and in default thereof, shall be proceeded against according to the provisions of this act and the by-laws made by said corporation. Funds.

SECTION 11. That all and every of the members of this company, who shall sustain any loss by the death of his, her, or their horse or horses, mule or mules, canal boat or canal boats, shall give notice to two of the nearest residents being directors of this company, and it is hereby made their duty, who shall examine and assess said damages and report the same under their oaths (if required) to the president or secretary, within ten days from the time of their receiving notice; the said president or secretary shall with all convenient expedition, immediately after receiving said report and ascertaining the sum which said parties shall be lawfully entitled to, make provision and payment as herein specified. Losses.
Damages.
Provision and payment.

SECTION 12. That within thirty days after the first Saturday of January of every year, it shall be the duty of the officers of the company to cause to be made and printed in at least two newspapers published in the said county of Bucks, a general balance statement of the affairs of said company. Such statement shall contain:

First. The amount of premiums received and the amount derived from interest on loans or investments during the same period.

Second. The amount of the expenses of the company during the same period.

Third. The amount of losses incurred during said period, and the balance remaining with the said company. The business of the corporation shall be carried on at such place in the township of Nockamixon, Tinicum, or Plumstead, in the county of Bucks, as the board of managers shall direct. Statement of affairs.

SECTION 13. No policy shall be issued by the corporation until application be made for the insurance of ten thousand dollars.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The sixteenth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 521.

A N A C T

To incorporate the Jersey Shore Gas Company, in the county of Lycoming.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* John J. Sanderson, James Gamble, George Tomb, James Wilson, John Sebring, Mark Slonecker, John H. Humes, A. H. M'Henry, H. F. Durell, John A. Gamble, James S. Allen, David Diffenbacher and Robert Crane be and they are hereby appointed commissioners, and they or a majority of them are hereby authorized to carry into effect the establishment of a gas company, to be located in the town of Jersey Shore, in the county of Lycoming, with a capital stock of twenty thousand dollars, to be divided into shares of twenty-five dollars each, to be organized, managed and governed as provided by an act, entitled "An Act to provide for the incorporation of gas and water companies," approved the eleventh day of March, one thousand eight hundred and fifty-seven, and be subject to all the restrictions and provisions, together with all the immunities contained in said act.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The sixth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 522.

A N A C T

To incorporate the Connecticut and Schuylkill Coal and Iron Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Holker Hughes, Benjamin F. Brown, J. N. Harris and W. H. Starr and their successors are hereby created a body politic and corporate, under the name and style of the Connecticut and Schuylkill coal and iron company, with power to sue and be sued, plead and be impleaded, in all respects as if the said parties had associated themselves under the general mining law of the commonwealth of Pennsylvania. Corporators. Style.

SECTION 2. That the said company hereby incorporated shall have a right to have, by purchase or otherwise, in the townships of Norwegian and Mahanoy, in the county of Schuylkill, in this commonwealth, any quantity of coal or other mineral or timber lands not exceeding two thousand acres, with a capital stock not exceeding five hundred thousand dollars, divided into five thousand shares of one hundred dollars each. Lands and capital stock.

SECTION 3. That the said company shall have a right to drive tunnels, sink shafts, erect all necessary machinery for mining and cleaning coal and manufacturing iron, and make such necessary rail or other roads, not exceeding two miles in length, as may be required to connect the lands of the said company with any such roads as may be now constructed and used, or hereafter constructed and used, for transporting coal to market, subject, however, to all the restrictions of the general railroad laws of the commonwealth. Powers and privileges. Subject to.

SECTION 4. That the officers of the said company shall consist of a president, secretary and treasurer, with a board of directors consisting of five stockholders, including the president, who shall be a director, and be elected by the board, which shall also have power to appoint the secretary and treasurer; the company shall have power to make and use a common seal for the authentication of its acts, and the charter incorporating it continue in force for twenty years, unless sooner dissolved by the stockholders. Officers. Limitation.

SECTION 5. That the first election of officers shall take place on the second Monday of May next, and on the same day annually thereafter; but a failure to elect on the day shall not work a forfeiture of the charter, nor prevent any number of the stockholders holding not less than one thousand shares of stock to convene a meeting and elect officers to hold their places until the period of the next annual election, by giving three weeks' notice thereof in some paper published in the county where the lands of the company lie. Election.

SECTION 6. That the company may locate its office either in Philadelphia or elsewhere in Pennsylvania, at its option, but Location of office.

Proviso.

shall be liable to be sued by leaving a copy of any process with any of its agents or tenants on its lands: *Provided*, That this last mentioned clause shall not prevent the service of process upon the said company in the manner usual in the case of other incorporated companies.

Bonus.

SECTION 7. That the said corporation shall pay a bonus of one-half of one per centum on the capital stock of said company, payable in four equal annual instalments, the first payment to be made in one year from the date hereof, and a like bonus upon any increase thereof, the first instalment payable in one year from the date of said increase, and shall pay such tax on dividends as is or may be provided by law.

Individual liability.

SECTION 8. That the stockholders of the said company shall be jointly and severally liable, in their individual capacities, for all debts and contracts made by said company to the amount remaining unpaid on each share of stock held by them respectively; and also for all debts due mechanics, workmen and laborers employed by, and for materials furnished to said company, to be sued for and collected as provided by the twelfth, thirteenth and fourteenth sections of an act incorporating the Lackawanna iron and coal company, approved April fifth, one thousand eight hundred and fifty-three.

Subject to.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The sixth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 523.

AN ACT

To incorporate the Farmers' Mutual Fire Insurance Company of Harbor Creek township, in the county of Erie.

Commissioners.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John Dodge, G. W. Wagner, John W. M'Lane, J. Y. Moorehead, G. T. Elliott, all of Harbor Creek township, in the county of Erie, are hereby appointed commissioners, who, or a majority of whom, are authorized and empowered, from and after the passage of this act, to establish an insurance company, to be called and known by the name and title of the Farmers' fire mutual insurance company of Harbor Creek township, in the

Powers.

county of Erie, to be located in the township of Harbor Creek, in the county of Erie, which said company, when application shall have been made to said commissioners for insurance to the amount of at least one hundred thousand dollars, shall be organized and managed according to the provisions of an act to provide for the incorporation of insurance companies, approved the second day of April, Anno Domini one thousand eight hundred and fifty-six.

SECTION 2. That the said company shall be empowered to take Risks. risks against fire on all kinds of farm buildings; also life risks on horses, cattle, and live stock generally.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The sixth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 524.

AN ACT

To incorporate the Riddlesburg Improvement Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Christopher Hager, George M. Steinman, Christian Kieffer, *Corporators.* Henry R. Reed, Abraham W. Russel, Thomas E. Franklin, James L. Reynolds, administrator, &c., of William Mathiot, deceased, Joseph B. Baker, William Gleim, Henry Carpenter, William Carpenter, John K. Reed, Newton Lightner, the heirs of John N. Lane, deceased, and their associates, successors and assigns, owners and tenants in common of a certain tract of coal and mineral land, situate, the greater part thereof, in the townships of Broadtop and Liberty, in the county of Bedford, and a small part thereof in the township of Tod, in the county of Huntingdon, containing three thousand eight hundred acres, and allowance, more or less, be and they are hereby constituted a body politic and corporate, by the name, style and title of the Riddlesburg improvement company, and by that name shall *Style.* have succession, and be capable in law of holding the real estate aforesaid, may sue and be sued, implead and be impleaded in the courts of law and equity, may have a common seal, and the same renew and alter at pleasure, and may receive, execute and deliver all such instruments of writing, and

do such acts and things necessary to promote the objects and designs of said company as are authorized by this act.

Purpose and
business.

SECTION 2. That the purpose and business of said company shall be the opening and proving the coal and other minerals on or in the land held or acquired as aforesaid, by means of shafts or otherwise, the construction and erection of breakers, platforms, schutes, screens, dwelling houses and other necessary buildings, the fitting and preparing the said coal and other minerals for working and mining, and the making and constructing railroads over and upon the land held by them.

Powers.

SECTION 3. That the said company shall have power to hold any quantity of coal, mineral and timber land in the townships and counties aforesaid, not exceeding four thousand acres, and may lease the same in whole or parcels, as may be most advantageous to individual lessees, for the purpose of mining and operating upon the same, and sell and convey the same, in the whole or in such parts or parcels as may be most advantageous; but the said company shall not carry on mining as a corporation after having fully opened, developed and prepared the same for mining purposes.

Stock.

SECTION 4. That the land of the said company shall form a common stock, and be divided into a convenient number of shares, and apportioned by said company among the subscribers according to their respective interests, for which certificates of stock shall be issued, and transferable and assignable in such way, and subject to such conditions, as the said company may from time to time prescribe; and the said shares of stock so created shall, for all legal purposes whatever, be deemed and treated as personal estate; and the administrator of the said William Mathiot, deceased, and the guardians of the minor children interested in such coal, mineral and timber land, may convey their several interests therein to the said company, receiving therefor certificates of stock as aforesaid.

Election.

SECTION 5. That the stockholders shall annually elect five directors, for the management of the affairs of the company, at such time and place and such notice as may be fixed by the by-laws of the company, to serve for one year and until others are elected; and the company shall not be dissolved by reason of a failure to elect such directors at the proper time and place; the election shall be conducted by ballot, and such of the stockholders of the company as shall attend for that purpose, shall be entitled, in person or by proxy, to one vote for each share of stock; and the directors shall elect one of their number president of the board, and shall have full power to make by-laws, and to appoint such officers and agents as they shall deem expedient for the well conducting and management of the said company, declare and provide for the payment of the dividends to the holders of shares, and in general to superintend the business of the company: *Provided*, That such by-laws shall not be repugnant to the constitution and laws of this commonwealth.

Votes.

By-laws.

Proviso.

Capital.

SECTION 6. That the capital of the said company shall be three hundred thousand dollars, divided into shares of fifty dollars each; and the said company are hereby authorized to issue bonds, for any amount not exceeding fifty thousand dol-

lars: *Provided*, That no bonds shall be issued for a less amount than one hundred dollars: *Provided*, That said company shall be liable for and pay the tax, and its stockholders be subject to the same individual liabilities, as provided by the acts of the twenty-first April, one thousand eight hundred and fifty-four, entitled "An Act to enable joint tenants and tenants in common, and adjoining owners of mineral lands in this commonwealth, to manage and develop the same," and the several supplements thereto. Subject to.

SECTION 7. That this act shall extend for a term of twenty-five years and no longer. Limitation.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The seventh day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 525.

A N A C T

To incorporate the M'Keesport Railroad Car Manufacturing Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That James E. Huey, James R. Hendrickson, William A. Hill, James F. Stevenson, T. B. Hammer, Covington C. Huey, J. P. White, John Wampler, William Osborn, Alexander M'Huey, Frederick Haughton, J. F. Ryan and Alexander Miller, be and they are hereby appointed commissioners to do and perform the several duties hereinafter named, to wit: They shall, on or before the first day of October next, procure one or more books and therein enter as follows: "We, whose names are hereunto subscribed, do promise to pay to the M'Keesport railroad car manufacturing company the sum of fifty dollars for every share of the stock in said company set opposite our respective names, in such manner and at such times as shall be determined by the managers of said company;" and said commissioners shall proceed thereupon to receive subscriptions for the stock of the said company, at such times and places and in such manner as they shall think best, each person paying, at the time of subscribing, the sum of ten dollars per share to said commissioners, and when five hundred shares of said stock be subscribed for, then the said commissioners, or any five of them, shall certify the same under Corporators.
Subscriptions.

- Letters patent. their hands and seals with the names and the amounts, so respectively subscribed, to the governor of this commonwealth; whereupon it shall and may be lawful for the governor, by letters patent under his hand and the seal of the state, to create and erect the said subscribers, and also those who may afterwards subscribe, into one body corporate and politic, in deed and in law, by the name, style and title of the M'Keesport railroad car manufacturing company, and so to continue until the first day of April, Anno Domini one thousand eight hundred and seventy-seven, and by that name sue and be sued, plead and be impleaded, defend and be defended, and by that name are hereby made able and capable in law to have, purchase, receive, possess, enjoy and retain to them and their successors, such real estate as may be necessary for the proper carrying on of their business in all its various branches, not exceeding in value ten thousand dollars, exclusive of buildings, and the same to sell, grant, mortgage or demise; also to make, have and use a common seal, and the same to alter and renew at pleasure; and also to establish and put in execution all such by-laws and regulations as they may deem necessary for governing and regulating said company.
- Privileges. SECTION 2. That after the issuing of the said letters patent, the said commissioners, or a majority of them, shall appoint a day for a meeting of said stockholders, of which meeting public notice shall be given at least two weeks previously thereto, in one or more daily newspapers published in the city of Pittsburg; and the subsequent elections shall be held annually, at such time and place as the managers may determine, of which two weeks' previous notice shall in like manner be given; at the time and place appointed, the said stockholders shall convene and by ballot elect five persons for managers, who shall continue in office for one year, or until their successors be elected; that in the election of managers, and all other matters requiring the votes of the stockholders, each share shall be entitled to one vote; and all votes by proxy shall be on such terms and conditions as are prescribed by the act of assembly, passed the twenty-eighth day of March, Anno Domini one thousand eight hundred and twenty, entitled "An Act to regulate proxies:" *Provided however,* That no person shall be elected a manager who is not a stockholder, and that all vacancies occasioned by death, resignation, or refusal to serve, shall be supplied by the managers until the next annual election.
- Meeting of stockholders. SECTION 3. That the capital stock of said company shall be one hundred thousand dollars, to be divided into two thousand shares of fifty dollars each, which shall be paid in such instalments as the said company shall by their managers direct.
- Managers. SECTION 4. That the affairs of said company shall be conducted by the board of managers chosen as aforesaid, who shall on the day after their election meet and organize, by electing one of their own number to act as president; they shall have power to appoint all officers, agents and workmen which may be needful, and fix their compensation or wages, and the same discharge at pleasure; and at their first meeting, and annually thereafter, they shall appoint a superintendent, book-keeper and treasurer; and from the treasurer shall require such security as they shall think sufficient to secure the proper performance of
- Proviso.
- Capital stock.
- Election.
- Treasurer.

his duties; a quorum of the board of managers for all purposes shall be three persons; in the election of president and other officers, they shall vote by ballot; they shall keep, or cause to be kept, a fair minute of all their proceedings, and at the annual meeting of the stockholders make a report of the business of the past year in writing, and a statement of the condition of the finances; they shall declare semi-annual dividends of the profits, (if any,) to be paid to the stockholders, or their legal representatives on demand, at any time after the expiration of ten days therefrom, but they shall in no case exceed the amount of the net profits actually acquired by said company, so that the capital stock shall not be impaired; they shall also make such by-laws, rules and regulations for the government of themselves and officers, in the conducting of the business of the company, as may seem to them necessary and proper, which shall not be inconsistent with this charter, the constitution and laws of this commonwealth, or of the United States.

Report to be made.

Net profits.

SECTION 5. That so soon as the board of managers are organized, and the treasurer has given the required security, the aforesaid commissioners shall, after deducting all incidental expenses, pay over unto the said treasurer the money received by them from the stockholders at the time of subscribing, together with the subscription books; and the said board of managers may continue to take subscription for stock until the whole two thousand shares be taken; certificates of stock, and all contracts or legal obligations which may be necessary for the managers to enter into, shall be signed by the president, countersigned by the treasurer, with the seal of the company attached; the stock of the company shall be assignable and transferable by the holders thereof, to such person or persons as they may think proper, at the office and in the presence of the treasurer only; but no stockholder shall be permitted to transfer his or her stock, while any instalment due thereon shall remain unpaid, except by special order of the board of managers to that effect.

Managers and commissioners.

Transfer of stock.

SECTION 6. That the business of this company shall be strictly confined to the manufacturing of, and repairing railroad cars of all descriptions, together with the sawing and planing of lumber, and manufacturing the same into such articles as they may think proper, as well for their own use as for sale; and that the lands, tenements and hereditaments made lawful for them, the said company by this act, to receive, hold and dispose of by sale or otherwise, shall only be such as are requisite for its accommodation in the carrying on the business of the company, and such as shall be *bona fide* mortgaged or conveyed to it in satisfaction of debts, or purchased to secure any debts due to said company, nor shall said company deal or trade in buying or selling any goods, wares or merchandize other than what belongs to their own business, except in such goods as are really and truly transferred to them in payment of debts, or which may be the produce of their own lands: *Provided*, That the stockholders of the said company shall be jointly and severally liable in their individual capacities for all debts and contracts made by said company to the amount remaining unpaid on each share of stock held by them respectively, and also for all debts due mechanics, workmen and laborers employed by, and for ma-

Business of the company.

May hold lands.

Liability of stockholders.

Bonus.

terials furnished to said company, to be sued for and collected as provided by the twelfth, thirteenth and fourteenth sections of an act incorporating the Lackawanna iron and coal company, approved April fifth, one thousand eight hundred and fifty-three: *Provided further*, And that the said company shall pay to the commonwealth a bonus of one-half of one per cent. on the amount of their capital stock, to be paid in four equal annual payments, the first to be paid on the first day of July, A. D., one thousand eight hundred and fifty-eight, and such tax upon dividends as now is or may be required by law.

Reservation and limitation.

SECTION 7. That the power to revoke and annul this charter is hereby reserved to the legislature, whenever, in their opinion, it may be injurious to the citizens of this commonwealth, in such manner, however, that no injustice shall be done to the corporators thereof, and that this charter shall continue in force for twenty years and no longer.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The eighth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 526.

AN ACT

To increase the Capital Stock of the Farmers' and Drovers' Bank of Waynesburg.

Increase of capital stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the Farmers' and Drovers' Bank of Waynesburg be and is hereby authorized to increase its capital stock by adding thereto the sum of one hundred thousand dollars, in such manner as the stockholders thereof may determine.

Bonus, &c.

SECTION 2. That the said bank shall, within one year from and after the passage of this act, pay into the treasury of the commonwealth one per centum on the amount of increase of its capital stock hereby authorized; and the additional capital stock hereby authorized shall be divided among such of the stockholders as may elect to take the same, upon sixty days' notice in two newspapers, if so many be published in the county in which said bank is located, in proportion to their respective number of shares; and so much of said increase stock as shall not

be taken by the said stockholders, shall be sold by auction to the highest bidder, in quantities not exceeding one thousand dollars.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The eighth day of May, Anno Domini one thousand eight hundred and fifty-seven.

No. 527.

AN ACT

To incorporate the Bank of Crawford County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* J. R. Dick, A. L. Smith, John M'Farland, William A. Hurst, S. S. Adrain, C. Courtright, George Hamilton, J. P. Brawley, Kennedy Davis, George Merriman, A. B. Richmond, Alexander Power, John Gelvin, S. Newton Pettis, John R. Brawley and Orange Noble, be and the same are hereby appointed commissioners, and they or any nine of them are authorized to carry into effect, from and after the passage of this act, the establishment of a bank, to be called the Bank of Crawford County, and to be located at the borough of Meadville, in the county of Crawford, with a capital of one hundred and fifty thousand dollars, to be divided into three thousand shares of fifty dollars each, with power to increase the said shares to six thousand shares, and the said capital to three hundred thousand dollars; and to be organized, managed and governed as is provided by the act for the regulation of banks, approved the sixteenth day of April, one thousand eight hundred and fifty, and to be subject to all the provisions and restriction, and to enjoy all the immunities and privileges contained in said act and the several supplements thereto: *Provided, That* the said corporation shall pay into the state treasury a bonus of one per centum upon its capital stock, within one year after the passage of this act, and a like bonus upon any increase thereof, within one year after such increase.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The ninth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 528.

A FURTHER SUPPLEMENT

To the act, entitled "An Act to incorporate the Independent Mutual Insurance Company," approved the eighteenth day of April, one thousand eight hundred and fifty-three.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Additional capital authorized. in addition to the powers and privileges now possessed by the Independent mutual insurance company, it shall have power to create, in addition to its existing capital, a stock capital not exceeding one million of dollars, to consist of ten thousand shares of one hundred dollars each, which shall be subscribed for and

Proviso.

paid in instalments, of such amounts and at such times as the directors of said company may determine: *Provided*, That the said company shall not have the right to receive and execute trusts, nor to receive moneys on deposit or in trust; nor shall they invest or re-invest the capital stock, or any part thereof, or any moneys or property of said company, in the discount or purchase of bills of exchange, promissory notes or other negotiable papers: *Provided further*, That said company or its agents may remit or transfer money actually and in good faith required by the business thereof, by purchasing bills of exchange.

Proviso.

Profits, how divided.

SECTION 2. That the yearly profits of said company, after deducting both the commissions allowed on notes for premiums in advance, as now authorized, and the sum of six per cent. on the amount of said capital paid in, shall be divided proportionably between the holders of said stock and the holders of the policies of said company which have been determined within said year; said dividends shall be paid to said stockholders in cash, and to the holders of policies in cash, or if the directors shall so determine, in the scrip of said company, under the seal of the said corporation, bearing interest at the rate of six per cent. from the time of its issue till its redemption; and the directors shall have power to pay, or in case of losses by said company, to reduce the amount, or entirely to cancel and annul said scrip, whenever in their judgment either shall be for the interest of the said company.

Accumulated capital, relative to.

SECTION 3. That whenever the accumulated capital of the said company shall amount to two millions of dollars, then the profits of said company thereafter accruing, and which would otherwise be payable to the holders of policies, as hereinbefore mentioned, may be divided among them in the scrip of the company; and the said profits so earned, at the discretion of the directors of said company, may be applied, in whole or in part, to the redemption of the scrip issued by said company, according to the priority of its date.

Power to invest or re-invest capital, &c.

SECTION 4. That the said company shall have power from time to time to invest or re-invest the capital and other funds of said

company, in bonds, mortgages, loans of the United States, or of the state of Pennsylvania, or stocks of incorporated companies, and may also dispose of them on such terms as the directors thereof may determine; and said company is also authorized to make cash advances upon such merchandize as shall at the same time be insured in said company, at a rate not exceeding the amount of legal interest, where such advances shall be made, and a commission at the rate of two and a half per cent. on said advance for each period of four months.

SECTION 5. That the board of directors may increase their number to twenty-five, who shall annually thereafter be elected as in the existing charter of said company is provided. Directors may be increased.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twelfth day of April, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 529.

AN ACT

For the Improvement of Lick Run, in Clinton county.

WHEREAS, John O. Sterns and George Hopson have purchased Preamble.
lands on Lick run, in Clinton county, commencing about one hundred rods from the West Branch of the Susquehanna river, and extending about four miles up said run; and for the purpose of floating logs to their mills, and manufacturing the same, have cleaned out and widened the channel of said run through said lands; have built dams and mills at a cost of about twenty thousand dollars:

And whereas, The said Sterns and Hopson, and Ira Mason, have contracted for the purchase of a part of about five thousand acres of land, owned by Asbur Davidson and David R. Carrier, situate on Lick run, about four miles above the lands first mentioned; and have also contracted for the delivery at the mills, and for manufacturing the lumber upon another part of said lands:

And whereas, There are no public roads near or to said lands, and the timber thereon cannot be profitably brought to said mills, or to market, without creating an artificial navigation down said run; and the said run is too small to be navigable, without expensive improvements being made in clearing out said run, and

making dams therein; which said improvements will also increase the value of other lands through which it would pass; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That

Corporators.

Powers.

Not to injure any dam or other improvement.

Damages.

Appraisers of, how appointed

Appeal.

Appraisal, who paid by.

Not to obstruct navigation.

Repeal.

Limitation

John O. Sterns, Ira Mason and George Hopson, their associates, heirs and assigns, are hereby authorized and empowered, for the purpose of making Lick run, in said county, navigable, to clear out, deepen, widen, contract or change any part of the channel of said stream, and its branches, that is above the tract of land in the warrant name of James Pollock; to make dams in the same; and generally to have and use all rights and privileges necessary and convenient for making and maintaining said improvements, and for floating logs, timber or lumber down the same: *Provided*, That said improvements shall be so constructed as not to materially injure any dam or other improvement now upon said stream; and that the said parties shall have no right to make such improvements, until they shall have paid to the owners of the land through which it passes, the full damage caused thereby; and in case the said parties shall not settle the amount of damages by agreement with the owners of the land, either may, after giving three weeks' notice in a newspaper published in said county, apply to the court of common pleas of said county, which court shall appoint three judicious disinterested men to appraise said damages; which sum being paid, or tender thereof being made to the owners of land, the parties first mentioned shall have all rights and privileges herein contained; but either party may, at any time within sixty days after such appraisal, appeal to the said court, in the same way as from decision of arbitrators under the arbitration laws; the expense of such appraisal shall be paid by the said Sterns, Mason and Hopson; and the owner of each tract of land through which said improvement is made, shall have an equal right to float through said tract the timber cut therefrom, with said first mentioned parties, in such a way as not to obstruct the navigation, and subject to the rules said first mentioned parties may adopt for mutual observance in floating: *Provided*, That all laws inconsistent herewith, be and the same are hereby repealed: *And provided further*, That the privileges and authority hereby granted, shall not be construed to extend to that part of said Lick run which flows over and upon the land of the Farrandsville company, below the saw mills of said Sterne and Hopson.

SECTION 2. That the aforesaid privileges to continue in full force for twenty-five years from the date hereof.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twelfth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 530.

SUPPLEMENT

To an act incorporating the Sherman's Valley and Broad Top Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the Sherman's Valley and Broad Top railroad company be authorized to extend their road by the most practicable route, and to connect with the Connellsville and Pittsburg railroad, and with the Allegheny Portage railroad. Authorized to extend road.

SECTION 2. That the company aforesaid is hereby authorized and empowered to hold in their corporate capacity, within the counties of Bedford, Fulton and Huntingdon, two thousand acres of mineral lands, and to mine and transport coal, iron, or other products of coal lands, and to use and dispose of the same for the best interest of said corporation. May hold lands, transport coal, &c.

SECTION 3. That said company is hereby authorized to pay interest on their bonds or loans, at a rate of interest not exceeding eight per cent. annum, to be fixed by the president and directors of said company. Interest.

SECTION 4. That it may be lawful for said company to construct lateral railroads, from the main line of their railroad to such convenient point or points in either or any of the counties, into or through which the main line of their railroad may pass, and to connect the same with any other railroad or railroads, at such places as the president and directors of said railroad company may deem advantageous and promotive of the interest of said company. May construct railroads, &c.

SECTION 5. That if the president and directors of said railroad shall deem it necessary, it shall be lawful to increase and dispose of any additional number of shares, not exceeding one hundred thousand shares, in the capital stock of said company. May increase and dispose of additional shares.

SECTION 6. That said company shall have privilege to connect and maintain a link or lines of telegraph wires along the line of said railroad and its branches. Telegraph, may erect lines of.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twelfth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 531.

A N A C T

To incorporate the M'Kean County Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Samuel B. Sartwell, George B. Backus, Samuel C. Hyde, G. F. Mason and P. W. Shafer, or any three of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of the M'Kean County railroad company, with all the powers and subject to all the provisions and restrictions prescribed by an act, entitled "An Act regulating railroad companies," approved the nineteenth day of February, Anno Domini one thousand eight hundred and forty-nine.

Corporators.

Subject to.

Stock.

Proviso.

SECTION 2. The capital stock of said company shall consist of two thousand shares, at one hundred dollars each: *Provided,* That said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as in their opinion may be necessary to complete said road and its branches, and to carry out the true intent and meaning of this act.

Privileges.

SECTION 3. That said company shall have the privilege and right to build or construct a railroad from the state line, at or near where it is crossed by the Allegheny river, in M'Kean county, to the Sunbury and Erie railroad, in the counties of M'Kean or Elk, by such route or routes as to the president and directors shall seem best, with the privilege of constructing such lateral road or branches in the counties of M'Kean and Elk as they may deem useful for the transportation of the products of said counties, and to intersect with the Allegheny Valley railroad in said counties; said road to be commenced within three years and completed within ten.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twelfth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 532.

A N A C T

To incorporate the West Philadelphia Passenger Railway Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Constant M. Eakin, James Miller, Samuel A. Harrison, John R. Corporators.
 Vogdes, J. Sidney Keen, James M'Ilvain, Richard Simpson, Isaac Leech, J. Alexander Simpson, C. K. Landis, J. Francis Knorr, Thomas Allibone, L. H. Twaddell, Augustus C. Jones, Edward B. Twaddell, Joseph Fareira, Frederick Server, Robert L. Martin, Edward Wartman, John A. Houseman, John F. Gross, William Shriver, William Kiechline, Thomas Gillespie, Joseph S. Silver, Jeremiah Bonsall, John Todd, Abram R. Paul, James Cochran, Robert Hutchinson, Jonathan Bonsall, John Alexander, Robert Neely, Samuel Hutchinson, Charles Hartshore, Wm. H. Evans and Edward H. Bonsall, and their associates, who may become stockholders in the company hereby incorporated, be and they are hereby constituted a body politic and corporate, by the name, style and title of the West Philadelphia Passenger Style.
 railway company, and as such shall have power to lay out and construct a passenger railway, and carry passengers over the same, along such route and street as hereinafter provided, and for such rate or toll as may from time to time be established; and the said company shall have the right to equip said road, Powers.
 and to purchase and hold such real estate, and to erect thereon such buildings and improvements as may be deemed expedient and necessary for the purposes of said company.

SECTION 2. That the capital stock of said company shall consist Stock.
 of five thousand shares of fifty dollars each, with the privilege of increasing the same, from time to time as required, to ten thousand shares.

SECTION 3. That the said company shall be authorized to lay Route of railway
 a double or single track of railway, to be used exclusively with horse-power and passenger travel, from the intersection of Till and Washington streets, in the Twenty-fourth ward of the city of Philadelphia, and extending eastward across the river Schuylkill by the Market Street bridge, and along said Washington and Market streets to Delaware Third street, with the privilege of connecting with and using such parts of the West Chester and Philadelphia railroad, the Columbia railroad, and the said city railroad, or either of them, so far as may be necessary or convenient for the purpose of completing the said route for passenger railway travel between said points; and said railroad shall conform, as far as practicable, to the grades of the streets of said Conform to
 city, as they now are, or as the same may be altered from time grades.
 to time; and the iron rail, used in said road, shall be of such pattern and so laid as not to obstruct ordinary travel upon said streets: *Provided*, That the said West Philadelphia railway

shall not connect with or use any part of the said West Chester and Philadelphia railroad, without the consent in writing of the directors of said company; nor shall it connect with or use any part of the said Columbia and Philadelphia railroad, without first having the consent in writing of the board of canal commissioners.

Tolls.

SECTION 4. That the councils of said city may prescribe the tolls, not exceeding those charged in other cases, which the said company shall pay for the use of such portions of the city railroad as may be necessary to complete the circuit of travel on said passenger railway, and to establish such regulations as shall be required for the convenience and safety of travel, and to prevent obstructions from freight trains, or otherwise, over the same.

Subscriptions to stock.

SECTION 5. That the parties hereinbefore named, or a majority of them, may proceed to organize said company and obtain subscriptions to the capital stock thereof, and after two thousand shares shall have been subscribed by not less than twenty persons, and at least ten per cent. paid in on said subscriptions, they shall provide by advertisement at least twice a week for two weeks, in two or more newspapers published in said city, for the election of a board of nine directors, who shall serve until the first Tuesday of November next, and until their successors shall be duly elected; and annually thereafter upon the first Tuesday in November, the stockholders shall elect a similar board of directors to serve in like manner for one year, and until their successors shall be duly elected; and if for any reason any of said elections shall not be held at the time appointed, another time shall be appointed according to the by-laws of said company for said purpose, not more than two months later than said date; and the said directors shall supply all vacancies in their board by death, resignation, or otherwise, until the next annual election; but no person shall be elected a director who shall not be at the time a stockholder in said company.

Election.

Vacancies, how supplied.

Officers, election of.

SECTION 6. That the said directors shall have power to elect a president, treasurer, and such other officers, being citizens of Pennsylvania, as may be deemed necessary and expedient; and in every election for directors each stockholder shall be entitled to one vote for each share of stock, not exceeding ten shares, and one vote for every five shares exceeding that number; but no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election or meeting of said company, unless the whole sum due and payable on the share or shares by him or her held at the time, shall have been fully paid and discharged.

Seal.

SECTION 7. That the said company shall have power to make and have a common seal, the same to alter and renew at pleasure; and also, to establish and execute such by-laws and regulations as shall appear to be necessary and convenient for the government of said corporation, and not being contrary to the constitution and laws of the United States, or of this state, and generally to do and perform all and singular the matters and things which to them it shall lawfully appertain to do for the well-being of said corporation, and the proper management of the affairs thereof.

SECTION 8. That the dividends of so much of the profits of said company as shall appear advisable to the directors, shall be declared in the months of January and July in each and every year, and be paid at the office of said company, any time after ten days from the time of declaring the same, but said dividends shall in no case exceed the amount of the net profits of said company, so that the capital stock thereof shall be impaired thereby; and if said directors shall make any dividend impairing the capital stock of said company, the directors consenting thereto shall be liable in their individual capacities to said company for the excess so divided; and each director present when such dividend shall be declared shall be considered as consenting thereto, unless he or they enter their protest upon the minutes of the board, and give public notice of the same; and the said company shall annually pay into the treasury of the city of Philadelphia, for the use of said city, whenever the dividends shall exceed six per centum per annum on the capital stock, the sum of six per centum on the said dividends thus declared.

Dividends.

SECTION 9. That said company shall have power to extend their said road from Till and Washington streets, to Blockley avenue, or Sixty-fifth street, by way of Logan street, Haverford road and Vine street: *Provided*, That no plank road or turnpike shall be occupied, except in crossing, without the consent of the company owning the same.

Power to extend road.

SECTION 10. That said company, for the purpose of making a proper connection with the Columbia railroad, near the line of the West Chester and Philadelphia railroad, shall have the power to take such land as may be necessary, in the same manner, and subject to the same conditions as provided in the act to incorporate the West Chester and Philadelphia railroad company, approved the eleventh day of April, Anno Domini one thousand eight hundred and forty-eight.

May take land.

SECTION 11. That the road herein authorized shall be commenced within one year, and finished within two years from the date hereof.

When to commence road.

SECTION 12. That before the said company shall use and occupy the said streets, the consent of the councils of the city of Philadelphia shall be first given; and said consent shall be taken and deemed to be given, if the said councils shall not, within thirty days after the passage of this act, by ordinance duly passed, signify their disapproval thereof; and said councils may from time to time, by ordinance, establish such regulations in regard to said railway, as may be required for the paving, repaving, grading, culverting and laying of water and gas pipes in and along said streets, and to prevent obstructions thereon; and the said company, before commencing to run their cars upon the said street, shall purchase, at the option of the owner of the line of omnibuses, now licensed as the Market Street line, the stock of horses, harness and omnibuses owned and used in said line at the time of the completion of said road, at a price to be assessed in the following manner, to wit:—The said owners shall choose one disinterested person, and the said company shall choose a second person, and the two thus chosen shall select a third, or if they shall fail or refuse to act, then the court

Consent of councils to be had.

Purchase of omnibuses, &c.

of common pleas of said city and county, upon the application of either party, and notice to the other party, shall appoint the third, and the three together thus chosen or appointed, shall appraise such stock, and the valuation thus arrived at shall be binding and final.

Limitation.

SECTION 13. *Provided*, That the privileges hereby granted shall continue for the period of twenty years, and no longer, unless extended or renewed by the legislature.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The fourteenth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 533.

AN ACT

Authorizing the incorporation of the Bank of Shamokin.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Alfred R. Fiske, Casper Scholl, Henry Van Gasken, John Taggart, William L. Dewart, Jacob Leisenring, Joseph Hoover, John P. Pursell, Josiah Reed, Jacob Mourer, Jonas S. Gilger, William Atwater, Elias Eisenhart, Daniel Eresit, Spencer M. Kase, Joseph Bird, William H. Muench, John B. Douty, Franklin A. Clark, Joseph C. Robins, Elida John, Solomon Martz, William H. Kase, W. P. Withington, William Fagely, Henry Longenecker, William H. Marshall, Edward Helfenstein, David J. Lewis, William M. Weaver and Stephen Bittenbender, are hereby appointed and they or any fifteen of them are authorized to carry into effect, from and after the passage of this act, the establishment of a bank, to be called the Shamokin Bank, to be located in the town of Shamokin, in the county of Northumberland, with a capital of one hundred and fifty thousand dollars, to be divided into three thousand shares of fifty dollars each, with the privilege of increasing the same to three hundred thousand dollars, in shares of like amount, and to be organized, managed and governed as is provided by the act regulating banks, approved the sixteenth day of April, one thousand eight hundred and fifty, and the several supplements thereto; and to be subject to all the provisions and restrictions, and to enjoy all the immunities, franchises and privileges contained in the said

act and its supplements as aforesaid: *Provided*, That the said corporation shall pay into the state treasury a bonus of one per centum on its capital stock, within one year after the passage of this act, and the same bonus upon any increase thereof, within one year after such increase.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

We do hereby certify, that the bill, entitled "An Act authorizing the incorporation of the Bank of Shamokin," was presented to the governor on the twenty-fourth day of April, one thousand eight hundred and fifty-seven, and was not returned within ten days (Sundays excepted) after it had been presented to him; whereupon it has, agreeably to the constitution of this commonwealth, become a law in like manner as if he had signed it.

J. ZIEGLER,
Clerk of the House of Representatives.

GEO. W. HAMERSLY,
Clerk of the Senate.

MAY 15, 1857.

No. 534.

A N A C T

To incorporate the Wyoming Insurance Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James Jenkins, John Brees, Robert C. Smith, Alpheus M. Jeffords, Thomas F. Atherton, Steuben Jenkins and George W. Swetland, be and are hereby appointed commissioners, who, or any five of them, are authorized and empowered from and after the passage of this act, to establish an insurance company, by the name and title of the Wyoming insurance company, to be located in the county of Luzerne, with a capital stock of twenty thousand dollars, divided into shares of fifty dollars each, with the right to increase said capital to one hundred thousand dollars at any time, and to be organized and managed according to the provisions of an act to provide for the incorporation of insurance companies, approved the second day of April, Anno Domini one thousand eight hundred and fifty-six, and shall be limited to the risks designated in the first class in the seventh section of said act, and with the right to transact its business

upon the mutual principle, in connection with its capital stock as aforesaid.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The sixteenth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 535.

A N A C T

To incorporate the Danville Railroad Company.

- SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*
- Commissioners. Edward H. Baldy, J. P. Grove, W. H. Magill, William Hancock, John Foley and Cornelius Garetson, of Montour county, be and they are hereby appointed commissioners to open books, receive subscriptions and to organize a company, by the name and style of the Danville railroad company, with all the powers, and subject to.
- Subject to. all the provisions of an act, entitled "An Act regulating railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine.
- Capital stock. SECTION 2. That the capital stock of said company shall be one million of dollars, and shall be divided into twenty thousand shares of fifty dollars each; and the said company are hereby
- Borrow money. authorized to borrow any sum of money not exceeding half a million of dollars, and to issue bonds therefor, with or without coupons attached; and the directors of said company shall have
- Proviso. power to give such bonds such preference or security, by mortgage or otherwise, as they may deem advantageous: *Provided,* That no bond shall be for less than one hundred dollars, and that such rate of interest, not exceeding seven per cent. per annum, as may be agreed on, shall be lawful.
- Powers. SECTION 3. That the said company shall have the right to build and construct a single or double track railroad from any point in Coal or Mount Carmel townships, Northumberland county, via Roaring creek, by the nearest practical route to the borough of Danville, in Montour county, with the right to connect with any railroad now or hereafter to be built at either end, or at any intermediate point, and with the right to construct branch or lateral roads, not exceeding five miles in length in any instance.

SECTION 4. That whenever five miles or more of said road, in any section or sections, shall be completed, the said company may use and enjoy the same as fully and with the same powers and privileges as if the whole route was completed. Use and enjoy.

SECTION 5. That the said company are hereby authorized to equip their road with such engines, cars, carriages and other vehicles, and any machinery whatever necessary or useful in doing business thereon. Equipment.

SECTION 6. That the president and directors of said company may pay to the shareholders, in the months of January and July each year, interest on all instalments of stock paid in, until the completion of the road, and charge the same to the construction account; and the earnings of said road, after payment of the expense incurred in running the same, shall be credited to said account, until the completion thereof: *Provided*, That interest shall not be paid on any share of stock upon which any instalment due and called for shall remain unpaid. Interest on instalments.
Proviso.

SECTION 7. That the legislature hereby reserves the right to alter, annul or amend this charter at any time, in such manner, however, as to do no injustice to the corporators. Reservation.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The nineteenth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 536.

A N A C T

To incorporate the Reading and Columbia Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That Frederick Lauer, John S. Richards, John M'Manus, of Berks county; John Myers, S. Shoch, J. G. Hess, W. A. Martin, A. S. Green, Joseph Konigmacher, H. M. North, M. M. Strickler, J. Leitz, W. C. Bradley, B. A. Shaeffer, of Lancaster county, and S. W. Mifflin, of the city of Philadelphia, or a majority of them, be and they are hereby appointed commissioners to open books, receive subscriptions and organize a company, by the name, style and title of the Reading and Columbia railroad company, with all the powers and subject to all the provisions and restrictions prescribed by an act, entitled "An Act regula- Commissioners.
Style.
Subject to.

ting railroad companies," approved the nineteenth day of February, one thousand eight hundred and forty-nine.

Capital stock.
Proviso.

SECTION 2. That the capital stock of said company shall be six hundred thousand dollars: *Provided*, That said company may, from time to time, by a vote of the stockholders, at a meeting called for that purpose, increase their capital stock so much as may be necessary, in their opinion, to complete said road and carry out the true intent and meaning of this act.

Route of road.

SECTION 3. That said company shall have the right to construct a railroad from any point in the city of Reading to the east end of Columbia bridge, in the borough of Columbia, Lancaster county: *Provided*, That the said company shall commence the said road within two years, and complete the same within ten years from the passage of this act.

May purchase
Columbia bridge.

SECTION 4. That the said company may, at any time, by a vote of the stockholders, at a meeting called for that purpose, purchase and own the said Columbia bridge, subject to the provisions of the act authorizing the Columbia Bank to sell the same.

Borrow money.

SECTION 5. That the said company may, at any time, by a vote of the stockholders, as above provided, borrow money for the purpose of finishing said railroad or to effect the purchase of the bridge aforesaid.

Public highway.

SECTION 6. That upon the completion of said railroad or any part thereof of the same shall be esteemed a public highway, as provided by section eighteen of the aforesaid act regulating railroad companies: *Provided however*, That the said company shall have the exclusive right of transporting passengers: *And provided further*, That the tolls demanded and received, when the cars used for transportation of freight belong to other persons, shall be not exceeding four cents per mile for each ton of two thousand pounds weight.

Proviso.

Proviso.

Reservation.

SECTION 7. That the legislature hereby reserves the right at any time to impose such tax on tonnage passing over said road as they may deem necessary to protect the public interests.

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

DAVID TAGGART,

Speaker of the Senate.

APPROVED—The nineteenth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 537.

A N A C T

To incorporate the Wampum Coal and Iron Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That John W. Wallace, Ezekiel Sankey, George P. Shaw, Thomas J. Power, William Robinson, Jr., Charles W. Ricketson, John Price Wetherill, Jacob L. Gossler, George W. Hamersly, S. S. Bishop, Charles O'Neill and Joseph Chamberlain, their associates and assigns, be and they are hereby constituted a body politic and corporate, by the name, style and title of the Wampum coal and iron company, and as such shall have power to take and hold lands and real estate on lease and fee simple, in the townships of Big Beaver, Wayne, Shenango and Taylor, in the county of Lawrence, and in the townships of Hickory and Shenango, in the county of Mercer, and to mine, prepare for market, sell and dispose of the cannel and bituminous coal, iron ores, fire clay and other minerals on their lands, and to manufacture iron, lubricating and illuminating oil, or other products of their minerals or lands, and to convey the said minerals or the products thereof to market, with power to grant leases of the said lands or any portion thereof: *Provided,* That the amount of land owned by said company shall not at any time exceed two thousand acres.

Corporators.

Style.

Privileges.

Proviso.

SECTION 2. That the capital stock of the aforesaid company shall not exceed ten thousand shares, of fifty dollars each; and the said company is hereby declared and made capable in law to sue and be sued, implead and be impleaded, to have a common seal, and the same to alter at pleasure, to hold and convey such real estate and personal property as may be necessary to promote the objects of the corporation, and to sell and dispose of the products of their lands.

Capital stock.

Privileges.

SECTION 3. That the stockholders shall annually elect a board of directors, to consist of not less than five, nor more than nine, for the management of the affairs of the company, public notice of such election to be given in such manner as may be prescribed by the by-laws of said company, to serve for one year and until others are elected; and the company shall not be dissolved by reason of a failure to elect such directors at the proper time and place; the election shall be conducted by ballot, and such of the stockholders of the company as shall attend for that purpose shall be entitled, in person or by proxy, to one vote for each share of stock held by him or them; and the directors shall elect one of their number president of the board, and shall have full power to make by-laws, and to appoint such officers and agents as they shall deem expedient for the well conducting and management and transacting the business of the company, declare and provide for the payment of the dividends to the stockholders,

Officers and their election.

Votes.

Directors, powers and duties of.

- and in general to superintend the business and affairs of the company ; and the first election of directors shall be called by the persons named in the first section of this act, in the city of Pittsburgh, at such time as they may designate: *Provided*, That such by-laws shall not be repugnant to the constitution of this commonwealth or of the United States.
- Proviso.** SECTION 4. That the aforesaid company shall have the right and power to borrow money, at a rate not over seven per centum per annum, to enable them to promote and carry out the objects of this corporation, and give mortgages, or other security, for the payment thereof, and the same to be convertible into stock, as shall be agreed upon between said company and the lender or lenders: *Provided*, That no bond shall be issued for a less sum than one hundred dollars.
- May borrow money, &c.**
- Interest.**
- Proviso.** SECTION 5. That the said company shall pay a bonus to the state, for the privileges above granted, of one-half of one per centum on its capital stock as paid in, payable in four equal annual instalments; the first payment to be made in one year from the date hereof, and such tax on dividends as is or may hereafter be provided by law.
- Bonus.**
- Tax.** SECTION 6. That the stockholders of the said company be and they are hereby declared to be individually liable for all debts and contracts of the said company, for work and labor done and performed for it, and for all materials, produce and provisions furnished for said company, to be sued for, recovered and collected as is provided in the twelfth, thirteenth and fourteenth sections of the act to incorporate the Lackawanna iron and coal company, passed the fifth day of April, Anno Domini one thousand eight hundred and fifty-three: *And provided further*, That no stockholder shall be held individually liable for any such debt as aforesaid, unless the same shall have been sued for within six months after the time it was contracted.
- Individual liability.**
- Limitation.** SECTION 7. That this act shall be and remain in force for the term of twenty years, and no longer, unless renewed and extended by the legislature.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twentieth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 538.

A N A C T

To incorporate the West End Insurance Company of Philadelphia.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Alfred Cooper, Samuel Lloyd, John Embley, John A. Barnes, George R. Smith, John Worthington, and all other persons who may hereafter associate with them, shall be and are hereby constituted a body politic and corporate, by the name of the West End insurance company of Philadelphia, to be located in the city of Philadelphia, which shall have perpetual succession, with power and authority to make contracts of insurance with any person or persons, or any body politic or corporate, against loss or damage of property by fire, or any cause of risk; and to make all kinds of insurance against loss or damage of goods, merchandize, or other property in course of transportation, by land or water or otherwise, and in any vessel or boat or other water craft, and for such premium or consideration, and under such modifications and restrictions as may be agreed upon between the said West End insurance company of Philadelphia, and the parties making the insurance.

Corporators.

Name.

Powers.

SECTION 2. That the capital stock of the said corporation shall be two hundred and fifty thousand dollars, which shall be divided into twenty-five hundred shares of one hundred dollars each; and there shall be paid by each subscriber, at the time of subscribing, an instalment of at least ten dollars on each share, and the remainder shall be paid in such manner, time and place as the directors of said corporation shall determine: *Provided,* That said company shall not be authorized to invest or employ their capital stock, or other moneys, in the purchase or discount of, or advance upon promissory notes, bills of exchange, or other negotiable paper.

Capital stock.

Proviso.

SECTION 3. That the said insurance company shall be subject to all the restrictions, and have all the powers, privileges and immunities contained in an act to provide for the incorporation of insurance companies, approved April second, one thousand eight hundred and fifty-six.

Subject to.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twentieth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 539.

SUPPLEMENT

To an act to incorporate the Buffalo and Bradford Railroad Company.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Buffalo and Bradford railroad company may by a vote of a majority of the stockholders of said company, at a meeting to be convened for that purpose, authorize the president and directors of said company, to consolidate with the Buffalo and Pittsburgh railroad company, and that the said company when so consolidated shall be known by the name, style and title of the Buffalo, Bradford and Pittsburgh railroad company, and shall possess all the rights and privileges of the Buffalo and Bradford railroad company.*

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twentieth day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 540.

AN ACT

To incorporate the Clarion River Navigation Company.

Corporators.

Subscriptions to
stock.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That A. I. Wilcox, J. S. Hyde, George Dickinson, N. B. Lane, Nicholas Brockway, Henry Raught and Rulof Rulofson, shall be and they are hereby appointed commissioners for the purposes hereinafter mentioned; that is to say: They or a majority of them shall procure, open and keep open, from time to time, and for such length of time as they may deem proper, or until ten thousand dollars are subscribed, and no longer, a suitable book or books, and receive subscriptions therein from all persons desiring to take stock in said company, to be incorporated in pursu-*

ance of said act; the form of said subscriptions shall be as follows, to wit: We, whose names are hereunto subscribed, do severally promise to pay to the Clarion River navigation company the sum of ten dollars for each and every share of stock set opposite our names, at such time and in such instalments as the managers of said company may require; and every person so subscribing, as soon as the said subscriptions amount to two thousand dollars, shall pay to said commissioners a sum not exceeding one dollar on each share they may have subscribed; when two hundred shares shall have been subscribed, the said commissioners, or a majority of them, shall certify the same to the governor, verified by the oath of at least two of them; whereupon the governor shall by letters patent, in the usual form, create and constitute the subscribers and those who may thereafter subscribe to the stock of said company, their successors and assigns, a body corporate and politic, by the name, style and title of the Clarion River navigation company, and by the said name, style and title the said company shall have perpetual succession, and be able and capable in law to sue and be sued, plead and be impleaded, and to receive, possess and dispose of all money and property belonging, or that may belong to said company.

Letters patent.

Style.

SECTION 2. That as soon as possible after the issuing of said letters patent, the said stockholders, or any part of them, shall, at some convenient time and place, whereof public notice shall be given in at least one public newspaper in the county of Elk, and one in the county of Jefferson, and one in the county of Clarion, at least three weeks before the time, proceed to elect one president and four managers for said company, who shall continue to act for one year and until their successors shall be elected; annually thereafter, at such time and place as may be designated by the managers as above directed, the stockholders or any of them, in person or by written proxy, may proceed to elect a president and managers as aforesaid, and for the aforesaid, each stockholder shall have one vote for each share he shall have subscribed, not exceeding ten, and one vote for every five shares exceeding that number and not exceeding twenty shares; no stockholder shall be entitled to vote at any election of said company until he shall have paid the whole sum due and payable on the share or shares held by him at the time of said election; the said president and managers shall have power to make such by-laws and regulations not inconsistent with the constitution and laws of the United States and of this state, as may from time to time be necessary.

Officers.

Votes.

By-laws.

SECTION 3. That the president and managers of said company shall have power to clean and clear the Clarion river, the East and West branches thereof, and the Little Toby creek, from all rocks, bars, and other obstructions; to erect dams [and locks;] to bracket and regulate all dams now erected; to regulate the schutes of dams; to regulate and bracket all dams and schutes that may hereafter be erected in said streams, and the same to alter or abate, as may become necessary; they shall also have the power by brackets or otherwise, to control the waters in said streams for the purposes of navigation; to levy tolls not exceeding three cents for each and every five miles of improved

Powers and privileges.

stream; for each platform of boards, or other sawed stuff, one cent; for every fifty feet, lineal measure, of square or other timber, one-fourth of one cent per foot; for every boat that may pass down said streams to be collected at the mouth of the Clarion river, and at such other points along said streams as may be necessary; to appoint officers and agents, and employ hands for the purpose of carrying into full effect the provisions of this act; to regulate the landing of boats, rafts at the mouths of said streams or elsewhere; that such regulations may be necessary to take gravel, stones, timber, and other materials necessary for the erection and repairing of dams and locks from lands adjacent to said streams; to enforce all acts of assembly now in force against throwing into said streams or either tributaries, any slabs, trees, stumps, and generally to do all things necessary for the safe navigation of said streams; they shall also have the power to levy tolls upon logs driven down said streams, not exceeding twenty-five cents per hundred logs for every five miles of improved stream.

Subject to.

SECTION 4. That section ninth of the act twenty-sixth January, one thousand eight hundred and forty-nine, entitled "An Act regulating turnpike and plank road companies," shall apply in all cases of damages arising under this act, excepting cases of abating dams, and other acts necessary to keep open the navigation of said streams; in such cases the remedy shall be as heretofore; and the said company and their officers in all cases of abatement of dams and schutes, in every action brought for the recovery of damage arising from such abatement, may give in evidence the fact of said dams and schutes being a public nuisance.

Subject to

SECTION 5. That the seventh and eighth sections of the above recited act, shall apply, *mutatis mutandis*, to and form part of this act.

Accounts.

SECTION 6. That the president and managers of said company shall keep fair and just accounts of all moneys received and expended, and the manner of their expenditure, which said accounts shall at all times be open for the inspection of the stockholders and others interested.

Collectors.

SECTION 7. That the collectors appointed by said president and managers, shall also act as treasurer, and shall give bonds in such sums as the said president and managers shall indicate for the faithful discharge of his duties, and re-imbursement of all moneys that may come into his hands; he shall receive as a compensation for his services, a sum not exceeding five per cent. on all moneys by him received and disbursed.

Director.

SECTION 8. That a director shall be appointed by the president and managers, whose duty it shall be to direct and superintend the landing of boats and rafts in the mouth of the Clarion river and elsewhere; to see that the channel is kept open, and to return to the collector, and also to the president and managers the number of all rafts and boats passing along or landing in said streams; said director shall not permit any rafts, boats, or other crafts to land in the mouth of said stream in such manner as to close the channel, but shall keep the same open at least fifty feet in width; and any person who shall wilfully close said channel, or shall disobey the directions of said director, and

Duties

thereby in any manner directly close said channel, or shall wilfully run into the mouth of said stream, after the same is so closed, contrary to the directions of the director, shall be liable to pay a fine of fifty dollars for the use of said company, to be Fine. collected in any part of this state, by an action of debt before any justice of the peace of this commonwealth; and in the name of the commonwealth, and in default of payment, the persons so convicted shall be committed to the jail of the proper county for the term of thirty days.

SECTION 9. That any person or persons who shall attempt to Fine. run any raft or rafts, boat or boats, log or logs, or other craft or crafts, past any collector's office, without having first paid his, her or their tolls, shall be subject to a fine of five dollars for each raft, boat or other craft, and one dollar for each log so run past, to be recovered in the same manner and for the same use, and payment to be enforced in the same way, as directed in section eighth; and all persons aiding or abetting any person in avoiding any tolls shall be subject to the like penalties.

SECTION 10. That the tolls assessed under this act shall be a Tolls. lien upon the property upon which they are levied, into whosoever hands the same may come, and may be recovered by action of debt or assumpsit, before any justice of the peace, either against the original owner, his agent or agents, or the person or persons in whose possession the same may be, and judgment being so recorded, execution may be had of the property upon which tolls may be assessed, or are a lien, though the ownership in said property may have changed after the commencing of said suit.

SECTION 11. That the collectors shall be liable for the tolls on Liability of collectors. all rafts and boats that shall pass their offices, and which shall be returned to them by the director.

SECTION 12. That the said company may levy and collect When to collect tolls. tolls as soon as twenty miles are improved of the Clarion river from the mouth upwards, and it shall have the control of the landing at the mouth of the stream immediately upon the granting of the charter.

SECTION 13. That whenever the dividends arising from the Dividends. tolls shall amount, in gross, to the amount of stock actually paid in, clear of all expenses, and ten per centum per annum, then and in that case the tolls shall be reduced to an amount only sufficient for the improvement of said streams.

SECTION 14. That no stockholder or officer of said company Witness. shall, by reason of his interest therein, be disqualified as a witness in any suit in which said company is or may be a party: *Provided*, That the legislature hereby reserves the right to alter or repeal this act, providing no injustice shall be done the corpo- Repeal. rators or their assigns.

SECTION 15. That this act shall be published in the newspa- Publication. pers in the counties of Clarion, Jefferson and Elk.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The twenty-first day of May, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 541.

A N A C T

To change the name of the Bank of New Castle.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the name, style and title of the Bank of New Castle be and the same is hereby changed to the Bank of Lawrence County: Provided, That under the latter name said bank shall be subject to the same regulations and liabilities as it would have been had the name not been changed, and that the provisions of the act of the eighteenth of April, eighteen hundred and fifty-seven, supplementary to the act regulating banks, approved the sixteenth day of April, eighteen hundred and fifty, relative to the Bank of New Castle, be further extended four months from the passage of this act.*

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

DAVID TAGGART,

Speaker of the Senate.

APPROVED—The fifteenth day of June, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 542.

A N A C T

To incorporate the M'Kean County Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Solomon Sartwell, George B. Backus, John C. Backus, Samuel C. Hyde, Sylvanus Holmes, Samuel L. Casey, Wells D. Walbridge, A. M. Benton and Daniel Kingsburg are hereby appointed, and they or any three of them are authorized to carry into effect, from and after the passage of this act, the establishment of a bank, to be called the M'Kean County Bank, to be located in the borough of Smethport, in the county of M'Kean, with a capital of one hundred and fifty thousand dollars, to be divided into three thousand*

shares, of fifty dollars each, with the privilege of increasing the capital stock to two hundred and fifty-thousand dollars, and to be organized, managed and governed as provided by the act regulating banks, approved the sixteenth day of April, one thousand eight hundred and fifty, and to be subject to all the provisions and restrictions, and to enjoy all the immunities contained in said act and the supplements thereto: *Provided*, That said bank shall pay into the treasury of the commonwealth one per centum on the amount of its capital stock, within one year after its organization.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

—
EXECUTIVE CHAMBER, }
Harrisburg, Dec. 10, 1857. }

Hon. A. G. CURTIN,
Secretary of the Commonwealth:

SIR:—The foregoing act of the general assembly, entitled “An Act to incorporate the M’Kean County Bank,” was presented to me on the thirteenth day of May last, and not having been returned to the legislature, with my objections, within three days after their last meeting, it has become a law agreeably to the constitution. You are therefore hereby directed to cause it to be enrolled and published, upon the payment of the enrolment tax due upon it.

JAS. POLLOCK.

—
No. 543.

AN ACT

To incorporate the Monongahela Valley Bank at M’Keesport, Allegheny county.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That James F. Stevenson, John Whigham, James R. Hendrickson, J. F. Ryan, Gen. J. K. Moorhead, Dr. James E. Huey, W. Dewees Wood, John F. Dravo, John Rowland, H. B. Sinclair, J. B. Mitchell, John Sill, Alexander Millar, Dr. Wm. H. Hill, William Dunshee, J. P. White, Benjamin Cousin and Thomas Penny, be and they are hereby appointed commissioners, who, or a majority of whom, are authorized and empowered to establish a bank, to be called and known by the name, style and title of the

Monongahela Valley Bank, to be located in the borough of M'Keesport, Allegheny county, with a capital of two hundred and fifty thousand dollars, which shall be divided into five thousand shares of fifty dollars each, to be organized, managed and governed as is provided for by the act regulating banks, and the several supplements thereto, approved April sixteenth, one thousand eight hundred and fifty, and to be subject to all the provisions and restrictions, and to enjoy all the immunities and privileges contained in said act.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

EXECUTIVE CHAMBER, }
Harrisburg, Dec. 29, 1857. }

To Hon. A. G. CURTIN,

Secretary of the Commonwealth:

SIR:—The foregoing act of the general assembly, entitled "An Act to incorporate the Monongahela Valley Bank at M'Keesport, Allegheny county," was presented to me on the twenty-first day of May last, and not having been returned to the legislature, with my objections, within three days after their last meeting, it has become a law agreeably to the constitution. You are, therefore, hereby directed to cause it to be enrolled and published, upon the payment of the enrolment tax due upon it.

JAS. POLLOCK.

No. 544.

A SUPPLEMENT

To an act, entitled "An Act to re-charter the Easton Bank," passed the twenty-first day of April, one thousand eight hundred and fifty-two.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the Easton Bank shall have the right to increase its capital stock by adding thereto any sum not exceeding two hundred thousand dollars, in shares of fifty dollars each; and that the charter of the said bank be and it is hereby extended for a period of ten years from and after the expiration thereof; for which period it shall be subject, in all other respects, to the provisions, restrictions and conditions, and be invested with all the rights, privileges and immunities mentioned and contained in the act of the general assembly of this commonwealth, entitled "An Act regulating banks," passed the sixteenth day of April, Anno Domini*

May increase
capital stock.

Charter ex-
tended.

Subject to

one thousand eight hundred and fifty, and the several supplements thereto, and the act to which this is supplementary.

SECTION 2. That the additional capital stock hereby authorized shall be divided among such of the present stockholders as may elect to take the same, upon sixty days' notice by advertisement once a week in at least two newspapers published in the county of Northampton, according to the number of shares held by them respectively; and if any of said increased stock shall not be so taken by the said stockholders, the same shall be sold by the said bank by public sale, at auction, to the highest bidder, in quantities not exceeding one thousand dollars: *Provided*, That such additional stock shall be paid for at such times, and in such manner, as the board of directors shall determine. Division of increased stock.
Proviso.

SECTION 3. That the said bank shall, within one year from the date hereof, pay into the treasury of the commonwealth a bonus of two per cent. on the amount of increase of its capital stock hereby authorized. Bonus.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

—
EXECUTIVE CHAMBER, }
Harrisburg, Dec. 29, 1857. }

To Hon. A. G. CURTIN,

Secretary of the Commonwealth:

SIR:—The foregoing act of the general assembly, entitled "A supplement to an act, entitled 'An Act to re-charter the Easton Bank,' passed the twenty-first day of April, one thousand eight hundred and fifty-two," was presented to me on the twelfth day of May last, and not having been returned to the legislature, with my objections, within three days after their last meeting, it has become a law agreeably to the constitution. You are, therefore, hereby directed to cause it to be enrolled and published, upon the payment of the enrolment tax due upon it.

JAS. POLLOCK.

—
No. 545.

A N A C T

To incorporate the Milton Saving Bank.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

Corporators.	Paul Masteller, Isaac Brown, Thomas Swenk, R. M. Frick, E. W. Chapin, Joseph Augstadt, Martin Billmyer, Isaiah B. Davis, William F. Nagle, Cyrus Browne, James Buoy, M. Chamberlin, William M'Clery, William Heinen, and every other person hereafter becoming members, are hereafter erected into a body
Style.	politic and corporate, in deed and in law, by the name, style and title of the Milton Saving Bank, and by that name shall
Privileges.	sue and be sued in all courts and tribunals, and to purchase, have and hold lands, tenements, hereditaments, rents, goods, chattels and effects, of whatsoever nature or kind, and the same at any time to sell, grant and dispose of, and to make, execute and deliver all proper and legal conveyances and assurances, and to receive the same, and also to make, have and use a common seal, establish and put in execution all such by-laws, ordinances and regulations as may be necessary and fit to subserve the interests of the institution, not being contrary to the constitution and laws of this commonwealth or of the United States: <i>Provided</i> , That the clear yearly value of the real estate so held shall not exceed the sum of two thousand dollars, except such shall have been bona fide mortgaged to the said institution, by way of security, or conveyed in satisfaction of debts contracted in the course of its dealings.
Proviso.	
Business of institution.	SECTION 2. That the business of said institution shall be to receive moneys on deposit, at such rates of interest as may be agreed upon: <i>Provided</i> , That the said institution shall not, in any case or for any purpose, issue its own bills in the manner of bank notes, for circulation as money.
Proviso.	
Capital.	SECTION 3. That for the security of depositors of said institution, it shall be the duty of the persons named in the first section, and such others as may become members of the institution, to raise and pay in a capital of not less than twenty or more than one hundred thousand dollars, in shares of fifty dollars each, which capital shall, at all times, be liable to the depositors for the amount of their deposits and the interest accruing thereon, the shares to be transferable on the books of the institution, in such manner as may be designated by the by-laws of said institution.
Investment of funds.	SECTION 4. That the said incorporation shall be authorized to invest its funds in public stocks of this state or of the United States, in real securities or in the discount of notes or personal securities: <i>Provided</i> , That the rate of discount at which loans may be made by the said institution shall not exceed one-half of one per centum for thirty days.
Proviso.	
Management of institution.	SECTION 5. That the business of said institution shall be managed and conducted by seven directors, to be chosen in the manner hereinafter mentioned, five of whom shall form a quorum to do business; they shall choose from their own number a president, and appoint a treasurer and such other officers as may be necessary and expedient; and the office of said institution shall be located in the borough of Milton, Northumberland county.
Dividends.	SECTION 6. That the president and directors shall declare dividends of profits of said institution as often as they may deem proper; and a depositor shall have the right of withdrawing his deposits at any time, if not exceeding twenty dollars, on ten days' notice, if above that sum and not exceeding forty dol-

lars, on thirty days' notice, and if above that sum, on three months' notice.

SECTION 7. That the stockholders of the said savings bank shall be individually liable for the debts of the same, which liability shall be enforced in the manner provided for the enforcing the individual liability of stockholders of banks, by the act of the sixteenth day of April, one thousand eight hundred and fifty, entitled "An Act regulating banks;" and any officer or agent of said institution, who shall embezzle or appropriate to his own use, without authority, any of the funds of said institution, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less than the amount so embezzled or appropriated, and shall be imprisoned in the Northumberland county prison or jail, for any period not less than six months nor more than two years, at the discretion of the court.

SECTION 8. That the treasurer shall give bond to the president and directors of the institution, in a sum not less than five thousand dollars, with two or more sureties, conditioned for the faithful performance of all the duties enjoined on him; he shall be the receiver of all moneys of the institution, and shall disburse and pay the same under such rules as may be established by the president and directors, and may be removed at the pleasure of the said president and directors.

SECTION 9. That there shall be meetings of the members of the Milton Savings Bank, on such day in the month of June next, at such place as a majority of the persons named in this act, shall appoint, for the purpose of subscribing stock, and for electing from among the members seven directors, to manage the affairs of the said institution for twelve months thereafter and until a new election shall take place; and in said first election each stockholder shall be entitled to one vote for each share of stock subscribed by him; all future elections shall be held in such manner and at such times as the by-laws shall provide.

SECTION 10. That the president or treasurer shall make a statement, annually, of the affairs of the said institution, on oath or affirmation, to the auditor general, to be laid by him before the legislature.

SECTION 11. That this institution shall continue for fifteen years and no longer, except so far as may be necessary to close its business, and the legislature may at any time alter or revoke the privileges hereby granted: *Provided*, That no injustice be done the stockholders.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

EXECUTIVE CHAMBER, }
Harrisburg, Dec. 29, 1857. }

Hon. A. G. CURTIN,
Secretary of the Commonwealth:

SIR:—The foregoing act of the general assembly, entitled "An Act to incorporate the Milton Savings Bank," was pre-

sented to me on the twelfth day of May last, and not having been returned to the legislature with my objections, within three days after their last meeting, it has become a law agreeably to the constitution. You are, therefore, hereby directed to cause it to be enrolled and published, upon the payment of the enrolment tax due upon it.

JAS. POLLOCK.

No. 546.

A N A C T

To incorporate the Bank of Phoenixville.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That Joseph Yeager, John Griffen, Ellis Reeves, N. M. Ellis, John Morgan, Samuel Creamer, Samuel Moses, Samuel Cornett, James Crossman, Forest Conroy, H. B. Ramsay, John S. Morris, N. T. M'Veagh, William Wetherell, J. Z. Coffman, Joel Fink, Joseph Whitaker, John Vanderslice, Elijah F. Pennypacker, Mordecai Evans, Alexander Kennedy, Samuel Hollman and J. Clifford Yeager be and are hereby appointed, and they, or any thirteen of them, are hereby authorized to carry into effect, from and after the passage of this act, the establishment of a bank, to be located at Phoenixville, in the county of Chester, to be called the Bank of Phoenixville, with a capital of one hundred thousand dollars, with the privilege of increasing the same to three hundred thousand dollars, to be divided into shares of fifty dollars each; the said bank to be organized, managed and governed as is provided by the act, entitled "An Act regulating banks," approved the sixteenth day of April, one thousand eight hundred and fifty, and the several supplements thereto, and be subject to all the provisions and restrictions, and enjoy all the privileges and immunities contained in the same: *Provided*, That said bank shall pay into the treasury of the commonwealth one per centum on the amount of its capital within one year after its organization.*

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

EXECUTIVE CHAMBER, }
 Harrisburg, December 29, 1857. }

To Hon. A. G. CURTIN,

Secretary of the Commonwealth:

SIR:—The foregoing act of the general assembly, entitled “An Act to incorporate the Bank of Phoenixville,” was presented to me on the nineteenth day of May last, and not having been returned to the legislature with my objections within three days after their last meeting, it has become a law agreeably to the constitution. You are, therefore, hereby directed to cause it to be enrolled and published, upon the payment of the enrolment tax due upon it.

JAS. POLLOCK.

No. 547.

A FURTHER SUPPLEMENT

To an act to encourage Manufacturing Operations in this Commonwealth, approved the seventh day of April, one thousand eight hundred and forty-nine.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That a supplement to an act, entitled “An Act to encourage manufacturing operations in this commonwealth,” approved the thirtieth day of January, eighteen hundred and fifty-six, be and the same is hereby repealed.*

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The thirteenth day of October, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 548.

A N A C T

To incorporate the Bank of Fayette County.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That* Isaac Beeson, John Huston, Henry W. Beeson, Armstrong Hadden, Joshua B. Howell, Ewing Brownfield, Joseph Johnston, John K. Ewing, Alfred Patterson, William Bryson, Asbury Struble, Everhard Bierer, senior, Josiah S. Allebaugh, Henry Yeagley, Isaac Franks, Jacob Overholt, Thomas B. Searight, Jacob Murphy, Joseph Hare, Joseph Heaton, John Morgan and Farington Oglevee, be and they are hereby appointed commissioners, who, or a majority of whom, are authorized and empowered to establish a bank in the borough of Uniontown, to be called the Bank of Fayette County, with a capital of one hundred and fifty thousand dollars, which shall be divided into three thousand shares of fifty dollars each, to be organized, managed and governed as is provided for by the general banking law of sixteenth April, one thousand eight hundred and fifty, and the several supplements thereto: *Provided, That* said bank shall pay into the treasury of the commonwealth one per centum on the amount of its capital, within one year after its organization.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The fifth day of December, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 549.

A S U P P L E M E N T

To an act, entitled "An Act Consolidating the Wards of the City of Pittsburgh for Educational Purposes," approved February ninth, one thousand eight hundred and fifty-five.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That*

hereafter the Central Board of Education, of the city of Pittsburg, shall not have power to assess and levy upon the school district of the said city, for the purposes mentioned and provided for in the fifteenth section of the act to which this is a supplement, a school tax which shall exceed, in any one year, four mills on the dollar within the said city of Pittsburg; and in the apportionment of the said tax, pursuant to the provisions of the said act to which this is a supplement, the expenditure of that apportionment shall be confined to the establishment and support of one high school, and the purchase of ground and the erection, or the rent of a suitable, convenient and economical building for that purpose.

Assessment of school tax, relative to.

High school, purchase of ground, &c.

SECTION 2. That the accounts of the treasurer, and all the accounts of the said Central Board shall be annually submitted to a board of three auditors, to be appointed by the select and common councils of the city of Pittsburg, whose duty it shall be to report the same, on or before the first Monday of June, to the said Central Board, and also to the said select and common councils, to be filed in the court of quarter sessions; and shall also be published in two daily papers of the city of Pittsburg; and that so much of the said act of assembly as is supplied, altered or inconsistent with the provisions of this supplement, be and the same is hereby repealed; and also, that the proviso contained in the twenty-sixth section of the said act of assembly, be and the same is hereby repealed.

Accounts to be annually submitted to auditors, &c.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The eighth day of December, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 24.

RESOLUTION

Relative to the Cabinet of Geological Specimens belonging to the Commonwealth.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, That the superintendent of the Pennsylvania State Lunatic hospital be and he is hereby directed to deliver to the curators of the American Philosophical society, to be arranged for exhibition in the museum of the said society, in Philadelphia, the cabinet of geo-

logical specimens belonging to the state, which were placed in the care of the said superintendent by the secretary of the commonwealth, in compliance with a resolution approved February fifteenth, one thousand eight hundred and fifty-five: *Provided*, That the commonwealth shall have the power to resume the possession of said specimens whenever the legislature shall deem proper to do so.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

DAVID TAGGART,
Speaker of the Senate.

APPROVED—The ninth day of December, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

APPENDIX—1857.

EXTRA SESSION.

No. 550.

AN ACT

Providing for the Resumption of Specie Payments by the Banks, and for the Relief of Debtors.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the provisions of every act of assembly, or of incorporation, or re-incorporation heretofore passed, declaring or authorizing the forfeiture of the charter of any bank, saving, trust and insurance company or corporation, having banking privileges, or inflicting any penalties, or authorizing any compulsory assignment for or by reason of the non-payment of any of its liabilities, or the issuing, or paying out the notes of other banks incorporated under the laws of this commonwealth, though not specie paying, or its loaning or discounting without the requisite amount of specie or specie funds since the first day of September, Anno Domini one thousand eight hundred and fifty-seven, be and the same are hereby suspended until the second Monday April, Anno Domini one thousand eight hundred and fifty-eight, and all forfeitures and penalties, or liability thereto, heretofore incurred, or that may be hereafter incurred before the said second Monday of April, under such acts of assembly, or of incorporation, or re-incorporation, for or by reason of the causes aforesaid, or any of them, are hereby remitted; and so much thereof as prohibits any bank from making loans and discounts, issuing its own notes, or the notes of other banks incorporated under the laws of this commonwealth, though not specie paying, or declaring dividends during the suspension of specie payments, or from loaning or discounting without the requisite amount of specie or specie funds as aforesaid, be and the same is hereby suspended until the day and year aforesaid; and any such bank, during such suspension of specie payments, may declare dividends to an amount not exceeding six per cent. per annum on its capital; and this act shall extend also to all banks, saving, trust and insurance companies and corporations, with banking privileges, chartered or re-chartered under any law, for periods hereafter to commence, and to the payment of stock to all banks incorporated by the legislature at its last session.

Certain acts sus-
pended.

Forfeitures and
penalties suspen-
ded.

Additional statement to be verified by oath.

SECTION 2. That in addition to all statements and returns, now required by law, each and every bank in the cities of Philadelphia, Pittsburg and Allegheny, shall, on the first discount day in January next; and weekly thereafter, and every other bank in this commonwealth, on the same day and monthly thereafter, make up a statement, to be verified by the oath or affirmation of the president or cashier thereof, showing—First. The amount of its loans and discounts. Second. The amount of specie in the possession of and owned by such bank and the balance due from other banks in distinct items. Third. The amount of its notes outstanding. Fourth. The amount of deposits, including individual deposits and balances due to other banks; which statement shall be published in the next succeeding issue of a newspaper of the county in which the bank is located, or if there be no newspaper in such county, then in a newspaper of some neighboring county; and any violation of this law, or failure to comply with its provisions by any president or any cashier of any bank, shall be a misdemeanor, and each of the said officers shall, upon conviction thereof, be punished by a fine of not less than five hundred dollars, nor more than one thousand dollars, at the discretion of the court, one half to be given to the prosecutor and one half to the county in which such bank is located.

To be published

To receive and pay out each other's notes.

SECTION 3. That the said banks are hereby required, until the second Monday of April aforesaid, to receive at par, in payment of all debts due or to become due to them respectively, the notes of all the solvent banks of the commonwealth which paid specie for all their liabilities on and immediately prior to the first day of September last, and which shall continue solvent, and the said banks are also hereby authorized to pay out, in all their business transactions and discounts, the said notes, so long as the banks issuing the same shall remain solvent; but in case any president, and a majority of the board of directors, of any of the said banks shall certify to the governor, under oath or affirmation of the president, his apprehension and belief that any bank in said certificate named is in an unsafe condition, the governor shall thereupon appoint three judicious persons, not interested in said bank, as commissioners to investigate the condition of such bank. And the said commissioners shall, after taking an oath or affirmation to perform the duties of their appointment with fidelity, forthwith proceed to make the said investigation, and report the result thereof, within ten days, to the governor, and if the officers of the said bank shall refuse to permit the said commissioners to make such investigation, or to produce any books or documents necessary for that purpose, or if the said commissioners, or a majority of them, shall report that the said bank is in an insolvent condition, or conducting its affairs in violation of law, the governor shall thereupon issue his proclamation declaring the charter of the said bank to be forfeited, and the said bank shall be deprived of all the benefits of this act, and the directors thereof shall forthwith make and execute an assignment in the manner provided by the act, entitled "An Act regulating banks," approved the sixteenth day of April, Anno Domini eighteen hundred and fifty, and the expenses of such commission, including the compensation of the commis-

Commissioners to investigate, &c.

Subject to.

sioners at eight dollars per day each, shall be paid by the bank against which it is issued, unless the report shall be favorable to its condition, in which case they shall be paid by the applicants: *Provided* That no bank shall be required to receive the notes of any bank against which a certificate may be made as aforesaid, at any time after the delivery of the same to the governor, until the commissioners shall report in favor of such bank, after which the notes of such bank shall again be received as required by the provisions of this section. Proviso.

SECTION 4. That the several collectors of taxes, tolls and other revenues of the commonwealth, and also county treasurers, are hereby authorized to receive, for state purposes, the notes of the solvent banks of this commonwealth, though not specie paying banks, in payment of the said taxes, tolls and revenues, and the state treasurer is hereby authorized to receive and receipt for the same in the same manner as though said banks were specie paying. Collectors and other officers to receive notes of solvent banks.

SECTION 5. That the deposits by the state treasurer, or to the credit of the commonwealth, in the several banks and other corporations, and all bank notes which are now, or may hereafter be, in the treasury during the period of suspension aforesaid, shall from time to time, on demand of the said treasurer, be paid by the said banks or other corporations respectively, in specie, in such amounts as may be required by said treasurer to enable him to pay the interest accruing on the public loans of the commonwealth. Deposits by state treasurer to be paid in specie.

SECTION 6. That upon all judgments heretofore entered in suits commenced by writ or otherwise, or which may be entered during the period hereinbefore mentioned, in actions instituted by writ or otherwise in any court in this commonwealth or before any alderman or justice of the peace, on judgments obtained before said officers, if the defendant shall be possessed of any estate in fee simple within the respective county, worth in the opinion of the court, alderman or justice, the amount of the said judgment, over and above all incumbrances, and the amount exempt from levy and sale on execution, he shall be entitled to a stay of execution thereon on judgments now obtained or to be obtained on suits now brought, for the term of one year from the date of the passage of this act, and on all others for one year, to be computed from the first day of the term to which the action was commenced; and every defendant in such judgment may have the same stay of execution thereon if within thirty days from the passage of this act, or within thirty days from the rendition of any future judgment, he shall give security, to be approved of by the court or by a judge thereof, or by such alderman or justice of the peace before whom such judgment was obtained, for the sum recovered, together with the interest and costs: *Provided*, That this section shall not apply to the wages of labor nor to debts upon which stay of execution is expressly waived by the debtors, nor to judgments upon which a stay of execution has already been taken under existing laws: *And provided*, That the provisions of this section shall extend to judgments entered or to be entered, as well upon bond and warrant of attorney as upon mortgages to secure the same, and to any subsequent grantee or owners of the premises so bound Stay of execution

- Proviso. as well as to the original obligor or mortgagor: *Provided further*, That said stay of execution shall not apply to judgments or mortgages or on bonds secured by mortgage, unless the interest thereon shall be paid within sixty days after the accruing of the same, in such funds as the banks are authorized by this act to use.
- When to take effect. SECTION 7. This act shall take effect immediately, except the third section, which shall not go into operation until the provisions of this act are accepted as herein provided; but no bank or other corporation shall be embraced within its provisions more than thirty days after the passage hereof, or after any bank shall have suspended specie payments upon its notes or obligations, unless the stockholders of such bank or other corporation, shall before the expiration of the said thirty days or within thirty days after any bank shall have suspended specie payments upon its notes or obligations, at a meeting to be called by the directors thereof for that purpose, on ten days' public notice in one or more newspapers, accept the provisions of this act by a majority of votes of said stockholders, to be voted and counted according to the provisions in the charter of such accepting bank or other corporation regulating the election of directors; but to make such acceptance valid, there shall be filed in the office of the auditor general of this commonwealth, a certificate that this act has been duly accepted under the common seal of such bank or other corporation, attested by the signature of its president or cashier. And each of the said banks accepting the provisions of this act, shall also pay into the treasury of the commonwealth on or before the first day of January, Anno Domini one thousand eight hundred and fifty-eight, or within thirty days after any bank shall accept the provisions of this act, a sum equal to one-fourth of one per centum upon the capital stock of said bank, in addition to any amounts they are now by law required to pay.
- Acceptance.
- Additional percentage. SECTION 8. That the forty-seventh section of the act approved April sixteenth, one thousand eight hundred and fifty, entitled "An Act regulating banks," be and the same is hereby repealed: *Provided*, That all suits brought, or now pending for forfeitures or penalties, under the section hereby repealed, shall not be affected thereby.
- Repeal.
- Reservation. SECTION 9. That the legislature hereby reserves the right and power to alter, revoke or annul the charters of any bank or banks, corporation or corporations accepting the provisions of this act, whenever, in their opinion, the same may prove injurious to the citizens of the commonwealth; in such manner, however, as to do no injustice to the corporators.
- Penalty for violation of, &c. SECTION 10. That no bank, savings fund, insurance or trust company shall, directly or indirectly, purchase, or be concerned in the purchase of the notes of any of the incorporated banks of this state, at less than their par value; and any and every of the officers of said institutions violating the provisions of this section, shall be deemed guilty of a misdemeanor, punishable upon conviction by a fine of not less than five hundred dollars, nor more than one thousand dollars; one-half to be paid to the informer, and the other half to the use of the commonwealth.
- Hypothecated securities. SECTION 11. That no stocks, bonds, promissory notes, personal property, or other valuable securities hypothecated or held in pledge, either with power of attorney attached or otherwise, for

credit or money loaned, shall be sold for the period of six months from the passage of this act, without the consent of the debtor, debtors or party hypothecating or pledging the same, being first had and obtained in writing.

SECTION 12. That the notice required for payments, provided in the charter of savings fund and trust companies, on all sums exceeding one hundred dollars, be and the same is hereby extended for the period of two months, during the period of suspension of specie payments authorized by this act. Savings fund and trust companies

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

D. A. FINNEY,
Speaker of the Senate.

APPROVED—The thirteenth day of October, one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 551.

A N A C T

For the Better Security of Laborers, Mechanics and others, in certain Companies.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That for the purpose of providing additional security for the payment of miners, laborers, operatives and mechanics, for services rendered or which may be hereafter rendered, supplies and materials furnished or hereafter to be furnished, to any coal, iron, canal, navigation, railroad or turnpike company, incorporated in whole or in part by the laws of this commonwealth, it shall be lawful and competent for any such company to execute a lien or liens, or instrument of writing sufficient thereto, with inventory attached, and attested by the common seal of said company, if said company have such common seal, and if such company have no common seal, then said instrument of writing to be signed by the president of the board of directors or managers, attested by the secretary, to a trustee or trustees, upon any or all their wagons, teams, horses, mules, cars, carts, boats, equipments, engines, tools and machinery, used in conducting the business of any such company, to be held by said trustee or trustees as a lien for the sole purpose or purposes aforesaid, until said debts herein contemplated are fully discharged, by the sale thereof or otherwise: *Provided,* That the said instrument or instruments of writing be first acknowledged as other deeds are and recorded in the office for recording deeds, in the

respective counties wherein said companies transact business, within thirty days from the execution thereof: *And provided further*, That this act shall continue in force until the first day of February, eighteen hundred and fifty-nine, and no longer, unless extended by a subsequent legislature.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

D. A. FINNEY,
Speaker of the Senate.

APPROVED—The thirteenth day of October, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 552.

A N A C T

Relating to James Griffin, a Justice of the Peace in Susquehanna county.

WHEREAS, James Griffin, a duly commissioned justice of the peace in Great Bend township, Susquehanna county, has been wholly unable to discharge any of the duties of his office, in consequence of severe paralysis for a period of nearly six months, with a prospect of the long continuance of such inability :

And whereas, There is a large amount of unfinished business upon his docket which requires immediate attention :

And whereas, The acts of assembly now only provide for other justices of the peace to act in cases of death, resignation or removal from the district ; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the nearest justice of the peace in said county is hereby authorized to take the docket and official papers of said James Griffin, issue executions upon judgments, make transcripts, and do all other things necessary to closing up said unfinished business, in the same manner, with the same power, force and authority as though said office had been rendered vacant by death, resignation or removal of said incumbent.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

D. A. FINNEY,
Speaker of the Senate.

APPROVED—The thirteenth day of October, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 553.

A N A C T

To Release the Clerk of the several Courts of Butler county from the payment of Certain Taxes.

WHEREAS, Wilson K. Potts has been appointed to fill the vacancies in the offices of clerk of the courts of quarter sessions, oyer and terminer, and of the orphans' court of Butler county, occasioned by the decease of John Graham, the late incumbent:

And whereas, The said Wilson K. Potts will only hold the said offices under said appointment for a term less than two months, thereby rendering it unjust that he should be charged the full amount of taxes and fees upon his commission; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the said Wilson K. Potts be and he is hereby released from the payment of the taxes on his commission, upon paying to the recorder of Butler county, the sum of two dollars upon each commission, and the usual fee and tax upon his official bonds, to be accounted for to the commonwealth in the usual manner.

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

D. A. FINNEY,

Speaker of the Senate.

APPROVED—The thirteenth day of October, Anno Domini one thousand eight hundred fifty-seven.

JAS. POLLOCK

No. 554.

A N A C T

To provide for the Payment of the Members, Officers and Contingent Expenses of the Extra Session of the Legislature.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same*, That the state treasurer be and he is hereby authorized to pay out of

Appropriations for extra session. any moneys in the treasury not otherwise appropriated, to the members and clerks, their assistants, the transcribing clerks, other officers and pages of the Senate and House of Representatives, the amount of pay allowed for an extra session, by the act, approved seventh May, one thousand eight hundred and fifty-five, and of the seventy-fifth section of the act to provide for the ordinary expenses of government, &c., approved the eighteenth day of May, one thousand eight hundred and fifty-seven.

Construction of certain act. SECTION 2. That the forty-eighth, forty-ninth and ninety-second sections of the act to provide for the ordinary expenses of government, &c., approved May eighteenth, eighteen hundred and fifty-seven, shall be construed to apply to the present extra session of the legislature.

Construction of certain proviso in certain act. SECTION 3. That the proviso contained in the nineteenth section of the act, approved seventh May, one thousand eight hundred and fifty-five, shall be so construed as to apply only to the regular sessions of the legislature.

Expenses in calling extra session. SECTION 4. That the sum of two hundred dollars, or so much thereof as is necessary, be and hereby is appropriated to pay the expenses incurred by the executive and state departments, in calling the present extra session of the general assembly.

Contingent expenses. SECTION 5. For the contingent expenses of the Senate and House of Representatives, the sum of one thousand dollars each is hereby appropriated, to be drawn, expended and accounted for according to the existing laws of this commonwealth.

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

D. A. FINNEY,

Speaker of the Senate.

APPROVED—The thirteenth day of October, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 555.

A N A C T

Fixing place of Holding Elections in Scranton, Luzerne county.

WHEREAS, In the progress of putting up buildings and machinery in the borough of Scranton, in Luzerne county, it became necessary to take down and remove the house where by law the elections were heretofore held, and as no court will be held in said county of Luzerne in time to fix a place for holding the ensuing general election; therefore,

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the general, special, county and borough elections in the borough of Scranton, Luzerne county, hereafter be held at the Wyoming House, in said borough, and that at the borough elections for said borough, the polls shall be opened and closed at the hours provided by law in the case of general elections.*

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

D. A. FINNEY,

Speaker of the Senate.

APPROVED—The thirteenth day of October, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 556.

AN ACT

Relative to the Chambersburg, Green Castle and Hagerstown Railroad.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the commissioners for the sale of the Chambersburg, Green Castle and Hagerstown railroad, appointed under the act of the twelfth day of May, Anno Domini one thousand eight hundred and fifty-seven, be and they are hereby authorized, at their option, to extend the whole or any part of the terms with the purchasers under which the said sale was made for any period not exceeding one year.*

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

D. A. FINNEY,

Speaker of the Senate.

APPROVED—The thirteenth day of October, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

RESOLUTIONS.

No. 25.

RESOLUTIONS

To pay for Printing for the late Board of Revenue Commissioners.

Resolved by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same, That the state treasurer is hereby directed to pay for printing, covering and packing three thousand copies of the journal and report of the late board of revenue commissioners, certified by the late chairman of the committee of accounts of said board, as other accounts were paid under the act of March tenth, one thousand eight hundred and fifty-seven, under similar certificates: Provided, That the charges made in said bill shall be in accordance with the law regulating the public printing, and with the contract made in pursuance thereof with the state printer.

J. LAWRENCE GETZ,
Speaker of the House of Representatives.

D. A. FINNEY,
Speaker of the Senate.

APPROVED—The thirteenth day of October, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

No. 26.

JOINT RESOLUTION

For the Printing and Publishing of the Journals and Acts of Assembly for the Extra Session of one thousand eight hundred and fifty-seven.

Resolved by the Senate, if the House of Representatives concur, That the journals of the two houses, and the acts of assembly for the extra session of one thousand eight hundred and fifty-

seven, be printed and published with the corresponding volumes for the session of one thousand eight hundred and fifty-eight.

J. LAWRENCE GETZ,

Speaker of the House of Representatives.

D. A. FINNEY,

Speaker of the Senate.

APPROVED—The eighth day of December, Anno Domini one thousand eight hundred and fifty-seven.

JAS. POLLOCK.

APPENDIX—1858.

No. 557.

AN ACT

Regulating the Rate of Interest.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same,* That the lawful rate of interest for the loan or use of money, in all cases where no express contract shall have been made for a less rate, shall be six per cent. per annum; and the first and second sections of the act passed second March, one thousand seven hundred and twenty-three, entitled "An Act to reduce the interest of money from eight to six per cent. per annum," be and the same is hereby repealed.

SECTION 2. That when a rate of interest for the loan or use of money, exceeding that established by law, shall have been reserved or contracted for, the borrower or debtor shall not be required to pay to the creditor the excess over the legal rate; and it shall be lawful for such borrower or debtor, at his option, to retain and deduct such excess from the amount of any such debt; and in all cases where any borrower or debtor shall heretofore, or hereafter, have voluntarily paid the whole debt or sum loaned, together with interest exceeding the lawful rate, no action to recover back any such excess shall be sustained in any court of this commonwealth, unless the same shall have been commenced within six months from and after the time of such payment: *Provided always,* That nothing in this act shall affect the holders of negotiable paper, taken *bona fide* in the usual course of business.

G. NELSON SMITH,

Speaker pro tem. of the House of Representatives.

WILLIAM H. WELSH,

Speaker of the Senate.

APPROVED—The twenty-eighth day of May, Anno Domini one thousand eight hundred and fifty-eight.

WM. F. PACKER.

ERRATA.

Page 309, in approval of act relative to liens of common carriers, instead of "March," read "April."

Page 527, in the fifteenth line, for "May," read "April."

C E R T I F I C A T E .

SECRETARY'S OFFICE,

HARRISBURG, *June 2, 1858.*

I CERTIFY, that in obedience to the directions of an act of the General Assembly of the Commonwealth of Pennsylvania, I have collated with, and corrected by the original rolls on file in this office, the proof sheets of the printed copies of this edition of the Laws and Resolutions of the General Assembly, passed during the session ending the twenty-second day of April, 1858, including an APPENDIX, containing laws passed at the session of 1857, upon which the tax has been paid subsequently, together with the Laws and Resolutions passed at the Extra Session of 1857.

WM. M. HIESTER,

Secretary of the Commonwealth.

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1. The first part of the paper is devoted to a general discussion of the problem. It is shown that the problem is of great importance in the theory of the structure of the atom. The second part of the paper is devoted to a detailed discussion of the problem. It is shown that the problem is of great importance in the theory of the structure of the atom.

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